

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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2278, RELATING TO TOBACCO PRODUCTS.

**BEFORE THE:**

SENATE COMMITTEES ON HEALTH AND ON COMMERCE AND CONSUMER PROTECTION

**DATE:** Thursday, February 10, 2022      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 229, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Richard W. Stacey, Deputy Attorney General

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Chairs Keohokalole and Baker, and Members of the Committees:

The Department of the Attorney General (Department) strongly supports this bill and offers suggested amendments.

The bill seeks to address the health dangers caused by the rapidly growing use of electronic smoking devices in Hawaii, including among the youth. This bill establishes the offense of unlawful shipment of tobacco products, cigarettes, or little cigars; defines "electronic smoking device"; increases licensing and permit fees for wholesalers, dealers and retailers of cigarettes and tobacco products; funds health education and prevention programs; repeals chapter 28, part XII, Hawaii Revised Statutes (HRS), relating to the electronic smoking device retailer registration unit; and repeals section 245-17, HRS, relating to delivery sales.

This bill will combine the regulation of electronic smoking devices with the retail tobacco permitting process - a function already within the purview of the Department of Taxation - and render the Electronic Smoking Device Retailer Registration Unit, created by section 28-163, HRS, unnecessary. The Department supports the repeal of part XII of chapter 28, HRS, based upon this bill's goal of subjecting electronic smoking devices to taxation and regulation under chapter 245, HRS. Including electronic smoking devices within the same regulatory framework as other tobacco products would conserve resources and make the regulation of electronic smoking devices a more efficient process for retailers.

We would recommend changes to some of the wording as follows:

In section 2, the proposed amendment would set forth a new Section 245- \_\_\_\_, found on page 6, lines 4-21; page 7, lines 1-21; and page 8, lines 1-2, titled "Unlawful shipment of tobacco products, **cigarettes**, or little cigars; penalty; reports; liability for unpaid taxes." However, this proposed amendment would conflict with Section 245-16, HRS, Unlawful shipment of **cigarettes**, which already addresses unlawful shipment of cigarettes. To resolve this conflict, the Department recommends removing the word "cigarettes" on page 6, line 5, 7, 10, 12, 15, 17, and 20; and page 7, lines 3, 6, 8, 10, and 18.

For the offense of "unlawful shipment of tobacco products", subsection (a) on page 6, lines 6-13, does not contain any state of mind; however, subsections (c) and (d) state "if the person or entity knowingly ships or causes to be shipped . . . ." Page 7, lines 3-12. For consistency and clarity, we recommend the word "knowingly" be added on page 6, line 11 to read, "(2) **Knowingly** ships or causes to be shipped . . . ."

On page 10, line 5-6, in subsection (3), we recommend adding the word "in" to read "electronic smoking device, or substance that is listed **in** paragraph (1) or (2). . . ."

We note that the definition of "electronic smoking device" on page 8, lines 7-21, and page 9, lines 1-6, includes "any liquid or gel capable of use in such electronic device. . . . " Further, the definition of "tobacco products" on page 9, lines 9-20, and page 10, lines 1-16, includes "any component, part, or accessory of any product, electronic smoking device, or substance. . . ." If the purpose of the bill is to subject e-liquids to taxing and regulation in the same manner as electronic smoking devices and other tobacco products, the Department suggests specifically adding the term "e-liquid" within the definition of tobacco products to further clarify that point.

We recommend including the word "e-liquids" on page 4, line 17-21, to read, "(2) Include "electronic smoking devices" **and "e-liquids"** within the definition of "tobacco products" as used in the cigarette tax and tobacco tax law, thereby: (A) Subjecting electronic smoking devices **and e-liquids** to the excise tax on tobacco products. . . .", to make clear that the intent of the bill is to subject "e-liquids", as well as electronic smoking devices, to the excise tax on tobacco products.

If the bill also intends to regulate retailers, wholesalers, and dealers of e-liquids under the new definition of tobacco products, we recommend adding the words "including electronic smoking devices and e-liquids" to page 5, line 1, 4, and 6, to read:

- "(B) Requiring retailers of tobacco products, **including electronic smoking devices and e-liquids**, to obtain a retail tobacco permit to sell, possess, keep acquire, distribute, or transport tobacco products, **including electronic smoking devices and e-liquids**.
- (C) Prohibiting persons from engaging in the business of a wholesaler or dealer of tobacco products, **including electronic smoking devices and e-liquids**, without first obtaining a license from the department of taxation"

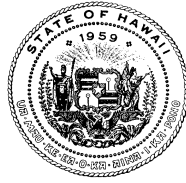
We also recommend inserting a definition for "e-liquid", as it is not clearly defined in the bill. The Department suggests the following definition of "e-liquid" from Senate Bill No. 3119 (2022), on page 9, lines 11-19, which reads:

"E-liquid" means any liquid or like substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container. "E-liquid" shall not include prescription drugs; cannabis for medical use or manufactured cannabis products pursuant to chapter 329D; or medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a)."

If inserting this definition for "e-liquid", we also recommend amending page 8, line 5, to read, "1. By adding **two** new definitions to be appropriately inserted . . . ."

Finally, we recommend amending the definition of tobacco products by adding wording on page 10, line 3, to read "(2) **Any** electronic smoking device **as defined in this section and any substance, including e-liquids, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine . . . .**"

We respectfully ask the Committee to pass this bill with the suggested amendments and thank you for this opportunity to testify.



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

**Testimony in SUPPORT of S.B. 2278  
RELATING TO TOBACCO PRODUCTS**

SENATOR JARRETT KEOHOKALOLE, CHAIR  
SENATE COMMITTEE ON HEALTH

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

Hearing Date: 2/10/2022

Room Number: Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Taxation  
2 (DOTAX) for fiscal implications of implementation and enforcement.

3 **Department Testimony:** The DOH supports Senate Bill 2278 (S.B. 2278) as a comprehensive  
4 public health measure to address Hawaii's youth vaping epidemic. S.B. 2278 establishes the  
5 offense of unlawful shipment of tobacco products, cigarettes, and little cigars, and includes  
6 electronic smoking devices (ESDs) within the definition of tobacco products and increases the  
7 wholesale license fee and retail tobacco permit fee for persons engaged as wholesalers/dealers or  
8 retailers of cigarettes and tobacco products. The DOH offers amendments to remove references  
9 to "cigarettes and little cigars," in Section 2 on Unlawful Shipping, as this measure is specific to  
10 tobacco products not included in other statutes, and by adding a new definition for "E-liquid,"  
11 and replacing the definitions for "Electronic smoking device" and "Tobacco products" to provide  
12 clarity and consistency across definitions.

13 S.B. 2278 along with legislation to ban flavored tobacco products creates a  
14 comprehensive preventive buffer between the promotion of enticing and low-priced ESDs and  
15 children and youth in Hawaii. ESDs, also known as e-cigarettes, have become the most  
16 commonly used tobacco product among youth in Hawaii. High school youth experimentation  
17 with ESDs grew from 22% in 2015 to 48% in 2019. In 2015, over one in four (25.5%) high

1 school students reported being current users, and today it is almost one in three (30.6%).<sup>1</sup>  
2 During the pandemic, a Stanford study showed that youth who reported ESD use were five to  
3 seven times more likely to have COVID-19 diagnosis.<sup>2</sup> There is no safe amount of ESD and  
4 tobacco use by youth, and evidence-based prevention policies are needed for the health of our  
5 children and youth.

6 Hawaii does not regulate ESDs through licensing, permitting, nor taxation. ESDs are not  
7 taxed like other tobacco products and often can be purchased at lower prices than cigarettes.  
8 According to the U.S. Surgeon General, increasing the price of tobacco products is the single  
9 most effective way to reduce consumption.<sup>3</sup> An economic study by the University of Illinois,  
10 reported that increasing the price of ESDs by 10% has been shown to lead to a 10% to 18%  
11 reduction in the demand and consumption of ESDs – a higher price elasticity compared to  
12 combustible cigarettes. Increasing the price of tobacco products has the greatest impact on  
13 youth, who are particularly price sensitive.<sup>4</sup> Further, the imposition of an excise tax equal to  
14 70% of the wholesale price of each e-liquid and ESD will be consistent with the tax on other  
15 tobacco products.

16 The DOH supports the restriction of shipping tobacco products to anyone other than a  
17 licensed wholesaler. Unregulated shipping (or importing) of tobacco products, particularly,  
18 ESDs ordered online, has created a dangerous loophole, by providing an appealing and  
19 accessible option for underage users. In the current unregulated online market, youth easily and  
20 often circumvent the age verification process for purchasing tobacco. Minors were successful  
21 in buying ESDs online 93% of the time despite age restrictions according to the Internet  
22 Tobacco Vendors Study (ITV), supported by the National Cancer Institute and the U.S. Food  
23 and Drug Administration (FDA). Another study found that ESDs were often shipped from

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<sup>1</sup> National Youth Risk Behavior Survey, Hawaii and the United States (2019).

<sup>2</sup> Gaiha SM, Cheng J, Halpern-Felsher B. Association Between Youth Smoking, Electronic Cigarette Use, and COVID-19. *J Adolesc Health*. 2020;67(4):519-523. doi:10.1016/j.jadohealth.2020.07.002

<sup>3</sup> U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: 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, 2012 [accessed 2018 Jan 22].

<sup>4</sup> Chaloupka, F. Macro-Social Influences: The Effects of Prices and Tobacco Control Policies on the Demand for Tobacco Products, 1 *Nicotine & Tobacco Research* S105 (Supp. 1 1999).

internet vendors without instructions or health warnings. Due to the easy access for minors through online marketing, public health researchers recommend more vigorous policies to prohibit sales to minors.<sup>5,6</sup>

Requiring licensure and retail permitting under the DOTAX would bring ESD and e-liquid vendors in alignment with the traditional cigarette and tobacco retailers and would provide accurate data for compliance surveillance. As of 2020, 33 states, the District of Columbia, the Northern Mariana Islands, and the U.S. Virgin Islands required retailers to have a license to sell ESDs.<sup>7</sup> Tobacco licensing is an effective tool for limiting the negative public health consequences of tobacco use by ensuring that wholesalers and retailers comply with responsible sales practices. Increasing the licensure and permitting fees, which have remained unchanged since 1995, despite high tobacco taxes and ever-increasing tobacco industry expenditures in marketing and advertising, would be a further positive move.

The federal regulation on the sale of flavored e-cigarette products is insufficient, and State legislation is needed to protect Hawaii's youth. The DOH supports S.B. 2278, as a critical legislative approach to address the youth vaping epidemic and protect the health of Hawaii's youth.

The DOH supports S.B. 2278 to address the youth vaping epidemic and offers amendments to remove references to "cigarettes and little cigars" and to provide clarity and consistency in the proposed definitions.

**Offered Amendments:**

- 1) Section 2, Page 6, line 5 through page 7, line 18, delete the words "cigarettes, or little cigars" wherever they appear in the Section.

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<sup>5</sup> Williams RS, Derrick J, Ribisl KM. Electronic Cigarette Sales to Minors via the Internet. *JAMA Pediatric*. 2015;169(3): e1563. doi:10.1001/jamapediatrics.2015.63.

<sup>6</sup> Kong AY, Derrick JC, Abrantes AS, Williams RS. *What is included with your online e-cigarette order? An analysis of e-cigarette shipping, product and packaging features. Tobacco Control*. [Epub ahead of print] June 29, 2016. doi:10.1136/tobaccocontrol-2016-053061.

<sup>7</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, STATE System Licensure Fact Sheet, <https://www.cdc.gov/statesystem/ecigarette.html>

2) Section 3, Page 8, line 7 through page 10, line 16, add a new definition for "E-liquid" and replace the following definitions for "Electronic smoking device" and "Tobacco products" with the language outlined below:

Add a new definition for "E-liquid"

**New Definition:** "E-liquid" means any liquid or like substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container. "E-liquid" shall not include prescription drugs; cannabis for medical use or manufactured cannabis products pursuant to chapter 329D; or medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Replace definition of "Electronic smoking device" with the language outlined below:

**Current definition:** ~~"Electronic smoking device" means any electronic product, or part thereof, whether for one-time use or reusable that can be used to deliver nicotine or another substance to a person inhaling from the device, including but not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens, and other similar devices that rely on vaporization or aerosolization, and any cartridge or component part of the device or product, but does not include cigarettes. "Electronic smoking device" shall also include any liquid or gel capable of use in such electronic device that can be used by a person in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. "Electronic smoking device" does not include: drugs, devices, or combination products approved for cessation by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act; or cannabis for medical use or manufactured cannabis products under chapter 329D, including devices used to aerosolize, inhale, or ingest manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a)."~~

1       **Revised Definition:** "Electronic smoking device" means any device that may be used to  
2       deliver any aerosolized or vaporized substance to the person inhaling from the device,  
3       including, but not limited to an electronic cigarette, electronic cigar, electronic pipe, vape  
4       pen, or electronic hookah. "Electronic smoking device" includes any component, part, or  
5       accessory of the device, and also includes any substance that may be aerosolized or  
6       vaporized by the device, whether or not the substance contains nicotine. Electronic  
7       smoking device does not include drugs, devices, or combination products authorized for  
8       sale by the United States Food and Drug Administration, as those terms are defined in the  
9       Federal Food, Drug, and Cosmetic Act.

10      Replace definition of "Tobacco products" with the language outlined below:

11       **Current definition:** ~~"Tobacco products" means [tobacco]: Any product containing, made~~  
12       ~~of, or derived from tobacco or nicotine in any form, other than cigarettes or little cigars,~~  
13       ~~that is prepared or intended for consumption or for personal use by humans, [including~~  
14       ~~large cigars and any substitutes thereof other than cigarettes that bear the semblance~~  
15       ~~thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.] or is likely~~  
16       ~~to be consumed whether smoked, heated, chewed, absorbed, dissolved, inhaled, or~~  
17       ~~ingested by other means, including but not limited to large cigars and any substitutes~~  
18       ~~thereof other than cigarettes that bear the semblance thereof, pipe tobacco, chewing or~~  
19       ~~smokeless tobacco, snuff, or snus; (2) Electronic smoking device; or (3) Any~~  
20       ~~component, part, or accessory of any product, electronic smoking device, or substance~~  
21       ~~that is listed paragraph (1) or (2), whether or not any of these contain tobacco or nicotine,~~  
22       ~~including filters, rolling papers, blunt or hemp wraps and pipes. "Tobacco products" does~~  
23       ~~not include: drugs, devices, or combination products approved for cessation by the United~~  
24       ~~States Food and Drug Administration, as those terms are defined in the Federal Food,~~  
25       ~~Drug, and Cosmetic Act; or cannabis for medical use or manufactured cannabis products~~  
26       ~~under chapter 329D, including devices used to aerosolize, inhale, or ingest manufactured~~  
27       ~~cannabis products manufactured or distributed in accordance with section 329D-10(a)."~~



**Revised Definition:** "Tobacco products" means ~~[tobacco in any form,];~~ (1) Any product containing, made of, or derived from tobacco or nicotine, other than cigarettes or little cigars, that is ~~[prepared or]~~ intended for human consumption ~~[or for personal use by humans,]~~ or is likely to be consumed whether inhaled, absorbed, or ingested by any other means, including but not limited to large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, and including snuff, snus, chewing or smokeless tobacco, and smoking or pipe tobacco[-], or (2) Any electronic smoking device as defined in this section and any substance, including e-liquids, that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, or (3) Any component, part, or accessory of any item described in paragraph (1) or paragraph (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, or pipes. "Tobacco products" does not mean drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR  
  
JOSH GREEN M.D.  
LT. GOVERNOR



ISAAC W. CHOY  
DIRECTOR OF TAXATION

STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

To: The Honorable Jarrett Keohokalole, Chair;  
The Honorable Rosalyn H. Baker, Vice Chair;  
and Members of the Senate Committee on Health

The Honorable Rosalyn H. Baker, Chair;  
The Honorable Stanley Chang, Vice Chair;  
and Members of the Senate Committee on Commerce and Consumer Protection

From: Isaac W. Choy, Director  
Department of Taxation

Date: Thursday, February 10, 2022  
Time: 9:30 A.M.  
Place: Via Video Conference, State Capitol

**Re: S.B. 2278, Relating to Tobacco Products**

The Department of Taxation (Department) appreciates the intent of S.B. 2278 and offers the following comments for your consideration.

S.B. 2278 makes multiple amendments to chapter 245, Hawaii Revised Statutes (HRS). These amendments will enable improved regulation of the sale of electronic smoking products. S.B. 2278 has an effective date of July 1, 2023.

The Department appreciates the increased wholesaler/dealer license fees and retail permit fees in sections 245-2 and 245-2.5, HRS, respectively. In most cases, the current fee amounts do not cover the cost to the state to issue the licenses or permits.

Finally, the Department appreciates that the measure is effective on July 1, 2023, however, this effective date would cause a mid-year change for calendar year taxpayers. To avoid this and ease administration and compliance, the Department respectfully requests that the effective date be amended to be January 1, 2023 or January 1, 2024.

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



American Cancer Society  
Cancer Action Network  
2370 Nuʻuanu Avenue  
Honolulu, HI 96817  
808.460.6109  
[www.fightcancer.org](http://www.fightcancer.org)

House Committee on Health and Committee on Commerce and Consumer Protection  
Senator Jarrett Keohokalole, Chair  
Senator Rosalyn Baker, Chair

Hearing Date: February 10, 2022

**ACS CAN SUPPORTS SB 2278 – RELATING TO TOBACCO PRODUCTS**

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

Thank you for the opportunity to provide testimony in SUPPORT of SB2278: 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.

Smoking harms nearly every organ in the body and increases the risk for many types of cancer, heart attack, stroke, COPD, emphysema, chronic bronchitis, and other diseases.<sup>i1</sup> We must do everything in our power to keep our communities healthy and safe and support prohibiting the use of e-cigarettes wherever smoking is prohibited. People who smoke or who used to smoke are at increased risk for severe illness from COVID-19. Smoking is also a proven risk factor for cancer, chronic obstructive pulmonary disease (COPD) and heart disease, which also put people at increased risk for severe illness from COVID-19. Regardless of any association with COVID-19, the adverse health effects of smoking are well-documented and irrefutable.

After years of decline, in 2018 there was an increase in tobacco use among youth nationwide, largely due to skyrocketing rates of e-cigarette use. In Hawaii, 30.6% of high school students currently use e-cigarettes.<sup>ii</sup> In 2019, more than 5 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 10.5% of middle school students and 27.5% of high school students. In 2019, about 5 of 10 Hawaii high school students have used electronic smoking devices at least once.<sup>iii</sup> In Hawaii, 32.1% of high school students currently smoked cigarettes or used an electronic smoking

device.<sup>iv</sup> 4.7% of high school students purchased electronic smoking devices by buying them from a store due to lack of regulation.<sup>v</sup>

The epidemic of e-cigarette use by youth and young adults, aggressive marketing tactics by their manufacturers, including the use of flavors appealing to youth, and under-regulation of these products requires the public health community to take action to protect youth, young adults, and the public at-large.

Many states and localities are enacting regulations on the sale and use of e-cigarettes. E-cigarettes should be included in evidence-based state and local tobacco control laws. ACS CAN supports the following:

- E-cigarettes should be defined as tobacco products and included in the definitions of smoking to prohibit e-cigarette use where smoking and/or tobacco use is prohibited.
- End the sale of all flavored tobacco products including e-cigarettes.
- Include e-cigarettes in tobacco sales restrictions, including retailer licensing requirements.
- Tax e-cigarettes based on their price at a rate parallel to the tax on cigarettes and all other tobacco products.
- Include education about e-cigarettes in all evidence-based state tobacco control programs.

Investing in comprehensive policies that would strengthen health infrastructure in the state including is crucial to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

Thank you for the opportunity to comment on this matter.

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<sup>i</sup> Centers for Disease Control and Prevention (CDC). Health Effects of Cigarette Smoking. Updated April 28, 2020

<sup>ii</sup> Centers for Disease Control. High School YRSB "Hawaii 2019 and United States 2019 Results"

<sup>iii</sup> Centers for Disease Control. High School YRSB "Hawaii 2019 and United States 2019 Results"

<sup>iv</sup> Centers for Disease Control. High School YRSB "Hawaii 2019 and United States 2019 Results"

<sup>v</sup> Centers for Disease Control. High School YRSB "Hawaii 2019 and United States 2019 Results"

Aloha Senate Committee on Health and Committee on Commerce and Consumer Protection,

Attached is a compilation of testimony for February 10, 2022; 9:30 a.m.; State Capitol, Conference Room 229 in SUPPORT of SB2278: RELATING TO TOBACCO PRODUCTS for the following individuals:

Jenny Hausler, Citizen - Pearl City, 96782

Madeline Bush, Citizen - Hilo, 96720

Testimony to Senate Committee on Health and Committee on Commerce and Consumer  
Protection Thursday, February 10, 2022; 9:30 a.m  
State Capitol, Conference Room 229

Dear Chair Jarrett Keohokalole, Chair Rosalyn Baker and Committee Members,

I strongly support SB2278: RELATING TO TOBACCO PRODUCTS

Tobacco killed my husband March four years from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility online and for being cheap to buy.

Please pass SB2278 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782

Testimony to Senate Committee on Health and Committee on Commerce and Consumer  
Protection Thursday, February 10, 2022; 9:30 a.m  
State Capitol, Conference Room 229

Dear Chair Jarrett Keohokalole, Chair Rosalyn Baker and Committee Members,

My name is Madeline Bush and I **support** SB2278: RELATING TO TOBACCO PRODUCTS

Vaping is an extremely prevalent issue that our country and the world have been facing for over a decade. E-cigarettes were originally created for the purpose of helping people who smoked tobacco cigarettes quit and reduce their exposure to tobacco. However, the companies that created these e-cigarette devices knew if they helped people quit, they would also begin losing money. Their strategy consisted of promoting a form of smoking that was “healthy”, little did people know the contents within these products had equally if not more nicotine than regular cigarettes. In a study that was performed over the course of six years (2012-2018), “The lifetime prevalence of cigarette smokers slightly decreased from 60.9% in 2012 to 56.9% in 2018, whereas the proportion of vaping users substantially increased from 32.9% in 2013 to 52.0% in 2018” (Cerrai et al., 2020). People wanted to quit smoking and many began smoking e-cigarettes when all along they were simply part of a larger plan and were just beginning a new journey of addiction.

The trend to vape quickly became popular among adolescents, high schoolers, and even middle schoolers. According to a study performed in 2019, “About 63.9% of students (16.8 million) reported noticing youth use of e-cigarettes in or around the school, with bathroom or locker room as the most common location” (Dai, 2021). The study goes on to explain that the brand JUUL has significantly spiked in popularity among adolescents due to its shape and size. It is a small pod that resembles a USB drive. They are very easy to hide, therefore many kids bring them to school without hesitation. The company JUUL has shown to specifically cater to this younger population and have made it easier and easier for them to vape in secret. Although there is not enough hard data to validate the long-term effects of vaping, we are seeing an

upsurge in hospitalized cases (2,758 cases in US) of vaping associated lung injury (VALI). There have been sixty-four deaths from vaping associated lung injury (VALI) in the United States alone. These products are being promoted as a “healthy alternative” to smoking when in reality it is killing people and ruining lives. This problem is tremendously widespread not only in our world and nation, but a rising problem within our community here in Hawaii County.

In order to protect the teenagers and young adults within our community regulations and bans on these products absolutely need to be put into action. The companies that sell these products have no interest in what their products are doing to the bodies of their customers. On the island of Hawaii, we are seeing an increase in tobacco and vaping products as well as an increase in respiratory disorders and lung cancer. That is not a coincidence.

Sincerely,

Madeline Bush

Hilo, 96720





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

February 7, 2022

Honorable Chairs Senators Jarrett Keohokalole and Rosalyn Baker  
Honorable Vice-Chairs Senators Rosalyn Baker and Stanley Chang  
Members of the Health and Consumer Protection Committees

RE: **Strong Support of SB2278 Relating to Tobacco Products (unlawful shipment)**

Dear Senators Keohokalole, Baker, Chang and members of the Health and Consumer Protection Committees,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please vote in favor of SB2278**, which will establish the offense of unlawful shipment of tobacco products and increase taxes to help get better parity among tobacco products.

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

***Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019!"***

While we are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain. Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs) at [www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs).

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet

estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

Our state has long needed regulation of electronic smoking devices, which is proliferating due to its low cost and wide availability. This legislation with a ban of flavored nicotine and tobacco products is what is needed to protect our youth.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **vote in favor of SB2278 and pass it out of committee so it can become law**. 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



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

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TO:

Committee on Health

Senator Jarrett Keohokalole, Chair

Senator Rosalyn H. Baker, Vice Chair

Committee on Commerce and Consumer Protection

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 10, 2022

TIME: 9:30am

PLACE: Via Videoconference

RE: SB2278 Relating to Tobacco Products

Position: Comments

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

HFIA supports portions of this bill that seek to regulate the shipping of electronic smoking devices and e-liquid. Data<sup>1</sup> shows that the majority of underage people who use electronic smoking devices buy them online or get them from their friends. A relatively small percentage purchase them in stores that sell tobacco products since these businesses already have established and enforced age restriction in place. Regulating the shipping of these products is a common-sense way to keep them out of the hands of young people.

We oppose the section of this bill that seek to increase fees on retail tobacco licenses and permits. This measure would increase the license fee for tobacco by 10,000%, which is excessive and unnecessary.

Hawaii has the second highest tobacco taxes of any state. By attempting to increase license and permit fees, this bill unfairly and misguidedly targets retailers and wholesalers rather than

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<sup>1</sup> <https://www.cnn.com/2019/07/03/commentary-convenience-stores-say-teen-vaping-to-worsen-in-fda-plan.html>

tobacco users.

There is no nexus between license fees and smoking cessation. Retailer license fees exist to pay for the licensing process and enforcement; these fees were not created to fund other programs. Using licensing fees to fund programs for which they were not intended creates a situation where fees are likely to rise unpredictably, this impedes retailers' ability to budget and creates unnecessary financial and administrative burdens. We thank you for the opportunity to testify.



## HIPHI Board

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## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community Health  
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free  
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training  
Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 9, 2022

To: Senator Jarrett Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Members of the Senate Committee on Health

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

Re: Strong Support for SB 2278, Relating to Tobacco Products

Hrg: February 10, 2022 at 9:30 AM via Videoconference

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute,<sup>i</sup> offers testimony in **Strong Support of SB 2278**, which applies several tobacco regulations on electronic smoking devices (ESDs), including: (1) subjecting ESDs and e-liquids to the other tobacco product tax; (2) requiring wholesalers and retailers to obtain a license and a retail tobacco product; (3) increasing the price of the tobacco license and permit; and (4) restricting the shipment of tobacco products to anyone other than a licensee. The bill also allocates funding for health education and prevention programs relating to risks and dangers of ESD youth use; and repeals various statutory provisions relating to ESDs.

### **Comprehensive regulations on e-cigarettes are necessary to reverse the youth vaping epidemic.**

Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion dollars in healthcare costs,<sup>ii</sup> lowered the adult smoking rate to 11.6% (eighth lowest in the nation),<sup>iii</sup> and reduced smoking prevalence among high school students to 5.3% in 2019.<sup>iv</sup> This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

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

**Electronic smoking devices (ESDs) are the only tobacco product without a tobacco tax.**

In 2016, the FDA deemed e-cigarettes, including its components and parts as tobacco products. In a poll conducted by Ward Research Inc. for the Coalition in October 2021, 86% of registered Hawai'i voters were in support of taxing e-cigarettes at the same rate as cigarettes or other tobacco products.<sup>vi</sup> Because ESDs are not subject to current state tobacco tax laws, they are seen as lower-priced tobacco alternatives with virtually no restrictions that can be appealing to the youth. A 2021 report estimates that subjecting ESDs to the other tobacco product tax (70% wholesale price) would generate \$7.3 million in revenue.<sup>vii</sup> Raising taxes and increasing the price of tobacco products is a proven strategy to reduce consumption for both adults and youth.

The Coalition supports establishing an ESD tax and appreciates that this measure dedicates a portion of the tax revenue to tobacco prevention and control programs. In the same poll conducted by Ward Research, 93% of registered Hawai'i voters believe it is important to dedicate some of the funding from an ESD tax to tobacco prevention and cessation programs.<sup>viii</sup>

**ESD licensing and permits protect both consumers and merchants.**

The Coalition supports requiring ESD sellers and vendors obtain a tobacco permit and/or license which is currently required for any tobacco retailer or wholesaler. This consistency would assist with the communication and enforcement of current tobacco tax and purchase laws. In addition, the Coalition supports the proposed increased fees for the tobacco permit and license.

**This measure strengthens federal regulations on the online sales of e-cigarettes.**

The "Preventing Online Sales of E-Cigarettes to Children Act" expands the 2009 Prevent All Cigarette Trafficking (PACT) Act to cover electronic smoking devices, requiring age verification by online retailers and private delivery companies, labeling on packaging to indicate they contain tobacco products, compliance with state and local tobacco taxes, and prohibiting shipments of electronic smoking devices through USPS.<sup>ix</sup> However, it exempted intrastate shipments in Hawai'i and Alaska. States have the authority to impose stricter regulations, and at least six states have laws that prohibit direct-to-consumer shipments of e-cigarettes. This measure would restrict shipments of ESDs to registered and licensed seller, allowing the State to enforce current tobacco selling and taxation laws and prevent underage youth from purchasing products online. According to the same independent poll conducted by Ward Research, 82% of Hawai'i registered voters support prohibiting online sales of ESDs and e-liquid.<sup>x</sup>

**E-cigarette use among youth and young adults continues to be a public health concern.**

Because e-cigarettes remain unregulated, companies have aggressively marketed their products by glamorizing their use, using celebrities and young adults as endorsers, and making false health claims. E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. A 2016 report by the Surgeon General concluded that cigarettes are dangerous and a health threat to youth and young adults.<sup>xi</sup> According to an article published by Dr. Jackler and Dr. Ramamurthi, "JUUL has triggered a widespread rush among aerosol purveyors to market e-liquid in unprecedentedly high nicotine concentrations."<sup>xii</sup>

The rise of severe, sometimes fatal, lung infections associated with e-cigarettes was another scary reminder of e-cigarettes' unregulated nature and unknown harms. Also known as E-cigarette or vaping product use-associated lung injury (EVALI), this disease harmed otherwise healthy individuals. Over 2,800 people were hospitalized after experiencing symptoms ranging from shortness of breath to fever, and tragically resulted in 68 confirmed deaths as of February 2020.<sup>xiii</sup>

**The link between tobacco use and COVID-19 reinforces the need for regulations on e-cigarettes.**

In May 2020, Stanford University published a landmark study<sup>xiv</sup> that found **teens and young adults that use e-cigarettes had a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes.** This finding is incredibly concerning considering the high rates of youth e-cigarette use in Hawai'i. To put this into perspective, there are 52,759 high school students enrolled in Hawai'i public schools.<sup>xv</sup> Using the most recent YRBS data, that translates to more than 16,000 Hawai'i high schoolers that used an e-cigarette in the last 30 days, and may be five to seven times more likely to be diagnosed with COVID-19 than their nonsmoking peers. Further, not only have e-cigarettes been linked to an increase risk of contracting COVID-19, but a recent study **once they are infected, youth who use e-cigarettes are more likely to experience COVID-19 symptoms.**<sup>xvi</sup>

Global pandemic or not, these numbers are unacceptable, and there is an increased urgency for regulatory action in light of the increased risk of COVID-19. With no end in sight for the COVID-19 crisis, it is imperative that Hawai'i pass legislation to curb usage and protect the health of our keiki.

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

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

Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to protect our youth from a lifetime of addiction. We respectfully urge the committee to **pass SB 2278.**

Mahalo,



Amanda Fernandes, JD  
Policy and Advocacy Director

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<sup>i</sup> The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

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- <sup>ii</sup> Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018. Tobacco Landscape. Honolulu: Hawai'i State Department of Health, Chronic Disease Prevention and Health Promotion Division
- <sup>iii</sup> Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.
- <sup>iv</sup> 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs). Accessed on 02/07/2021.
- <sup>v</sup> 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: [www.cdc.gov/yrbs](http://www.cdc.gov/yrbs). Accessed on 02/03/2021.
- <sup>vi</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 – October 26, 2021.
- <sup>vii</sup> Chaloupka, F. J. *Revenue Potential of a Tax on E-Cigarettes in Hawaii*, University of Illinois at Chicago, 2021.
- <sup>viii</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 – October 26, 2021.
- <sup>ix</sup> Public Health Law Center. (2021, January 27). Deliver us from evil: E-cigarettes and the PACT Act. Retrieved from <https://www.publichealthlawcenter.org/webinar/deliver-us-evil-e-cigarettes-and-pact-act>.
- <sup>x</sup> This study by Ward Research, Inc. summarizes findings from a phone survey among n=805 Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 – October 26, 2021.
- <sup>xi</sup> U.S. Department of Health and Human Services. *E-cigarette Use Among Youth and Young Adults, a Report from the Surgeon General* (2017). From [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Exec\\_Summ\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Exec_Summ_508.pdf)
- <sup>xii</sup> Jackler RK, Ramamurthi D. Tob Control Epub ahead of print: 2.6.19.doi:10.1136/tobaccocontrol-2018-054796. <https://tobaccocontrol.bmj.com/content/early/2019/01/31/tobaccocontrol-2018-054796>
- <sup>xiii</sup> Centers for Disease Control and Prevention. (2020, February 25). "Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products." Retrieved from [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html)
- <sup>xiv</sup> <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>
- <sup>xv</sup> Hawai'i State Department of Education. "Department announces 2021-22 enrollment figures for public and charter schools." Retrieved from <https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/2021-22-enrollment-figures-for-public-and-charter-schools.aspx>
- <sup>xvi</sup> McFadden et. al., Symptoms COVID 19 Positive Vapers Compared to COVID 19 Positive Non-vapers (January 2022). Retrieved from <https://journals.sagepub.com/doi/full/10.1177/21501319211062672>.
- <sup>xvii</sup> Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr.* 2017;171(8):788–797. doi:10.1001/jamapediatrics.2017.1488





**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 10, 2022**

**Re: SB 2278 RELATING TO TOBACCO PRODUCTS**

Good afternoon, Chairperson Keohokalole and Chairperson Baker and members of the Senate Committee on Health and the Senate Committee on Commerce and Consumer Protection. 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 are in opposition SB 2278 Relating to Tobacco Products. This measure establishes the offense of unlawful shipment of tobacco products. Includes electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund. Effective July 1, 2023.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many E-cigarettes contains NO tobacco, and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

Many retailers statewide are already operating on a thin margin and face stiff competition. Raising the tobacco tax and permit fee exponentially will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. We will see more people finding ways to purchase them from military facilities where there are no taxes charged or purchase them through the black market where tobacco and e-cigarettes are sought-after items to steal by retail organized crime.

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



3610 Waiālae Ave • Honolulu, HI 96816



(808) 592-4200



tyamaki@rmhawaii.org

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

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SUBJECT: TOBACCO, Include Electronic Smoking Devices, Hike Fees

BILL NUMBER: SB 2278

INTRODUCED BY: BAKER, CHANG, GABBARD, KEITH-AGARAN, LEE, MISALUCHA, RHOADS, Ihara, Kim, Nishihara, San Buenaventura, Taniguchi, Wakai

EXECUTIVE SUMMARY: Establishes the offense of unlawful shipment of tobacco products. Includes electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund. Effective July 1, 2023.

SYNOPSIS: Adds a new section to chapter 245, HRS, to establish the offense of unlawful shipment of tobacco products.

Amends section 245-1, HRS, to define "electronic smoking device" as any electronic product, or part thereof, whether for one-time use or reusable that can be used to deliver nicotine or another substance to a person inhaling from the device, including but not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens, and other similar devices that rely on vaporization or aerosolization, and any cartridge or component part of the device or product, but does not include cigarettes. "Electronic smoking device" shall also include any liquid or gel capable of use in such electronic device that can be used by a person in the delivery of nicotine or any other substance, intended for human consumption, through inhalation of vapor or aerosol from the product. "Electronic smoking device" does not include: drugs, devices, or combination products approved for cessation by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act; or cannabis for medical use or manufactured cannabis products under chapter 329D, including devices used to aerosolize, inhale, or ingest manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Also amends the definition of "tobacco products" to be (1) Any product containing, made of, or derived from tobacco or nicotine in any form, other than cigarettes or little cigars, that is prepared or intended for consumption or for personal use by humans, [including large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.] or is likely to be consumed whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by other means, including but not limited to large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, pipe tobacco, chewing or smokeless tobacco, snuff, or snus; (2) Electronic smoking

device; or (3) Any component, part, or accessory of any product, electronic smoking device, or substance that is listed paragraph (1) or (2), whether or not any of these contain tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps and pipes. “Tobacco products” does not include: drugs, devices, or combination products approved for cessation by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act; or cannabis for medical use or manufactured cannabis products under chapter 329D, including devices used to aerosolize, inhale, or ingest manufactured cannabis products manufactured or distributed in accordance with section 329D-10(a).

Amends section 245-2, HRS, to raise the annual fee for a tobacco license from \$2.50 to \$250.00.

Amends section 245-2.5, HRS, to raise the annual fee for a retail tobacco permit from \$20.00 to \$50.00. Requires that the permit application specify whether each place of business sells electronic smoking devices, and directs that the permit issued also so specify.

Amends section 245-15, HRS, to earmark \$750,000 annually to the Hawaii tobacco prevention and control trust fund (section 328L-5, HRS).

Repeals part XII of chapter 28, HRS (sections 28-161 through 28-168), relating to Electronic Smoking Device Retailer Registration Unit.

Repeals section 245-17, HRS, relating to delivery sales.

Makes technical and conforming amendments.

EFFECTIVE DATE: July 1, 2023.

STAFF COMMENTS: The question that should be asked is the purpose of the tobacco tax. If the goal is to make people stop smoking by making it cost-prohibitive to smoke, then (a) it’s working, as hikes in the cigarette tax have begun to exert downward pressure on collections not only locally but also nationally, but (b) it shouldn’t be expected to raise revenue, because of (a). If the goal is really to stop the behavior, why are we not banning it?

As the Foundation’s previous President, Lowell Kalapa, wrote in the Tax Foundation of Hawaii’s weekly commentary on October 28, 2012:

Lawmakers seem to have a simplistic reaction to solving problems the solution to which plagues their constituents – tax it.

Probably the best example is what people like to call sin taxes, those excise taxes that are levied on tobacco and alcohol products. After all, smoking causes cancer and alcohol causes all sorts of problems including driving under the influence. Lawmakers and community advocates shake their heads and push for higher tax rates, arguing that making these products more expensive will deter folks from using these products.

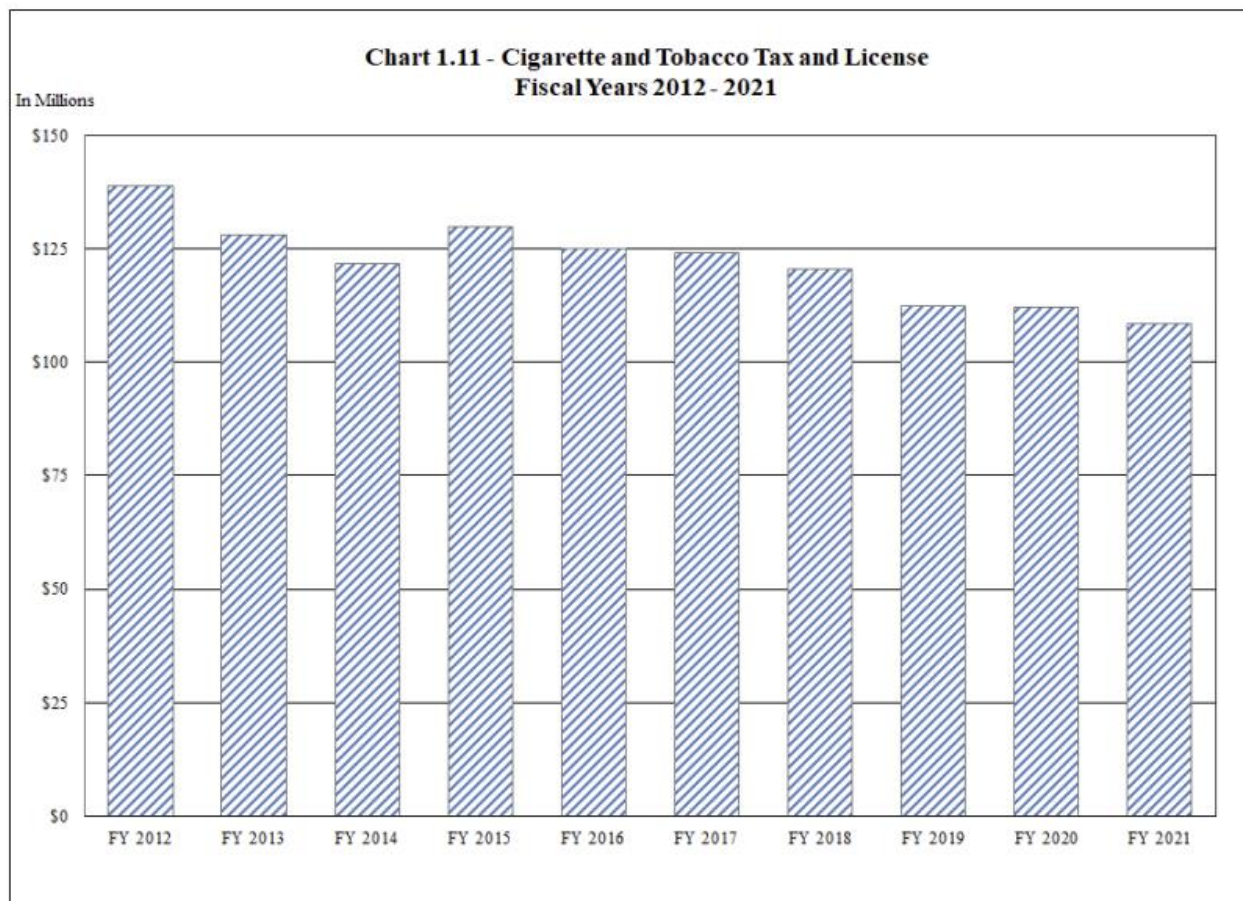
The problem is that lawmakers also like the revenues that are generated from the sales of these products and, in some cases, they have tried to link the use and sale of these products with noble causes such as the funding of the Cancer Research Center that is

currently being built. Again, the argument is that smokers should pay for programs and projects which seek to cure the related ill which in this case is cancer caused by smoking.

The irony is that arguments to increase the tax on tobacco and, more specifically, cigarettes, is a goal of getting smokers to quit while depending on the revenues from tobacco and cigarette taxes to fund an ongoing program, in this case the Cancer Research Center. So, which is it folks, stop smokers from smoking and if successful, there won't be any revenues to fund the Cancer Research Center?

The fact of the matter is that it appears that both locally and nationally, higher taxes on cigarettes are influencing smokers as tax collections on the sale of cigarettes have fallen. Certainly some of the decline is due to smokers actually quitting, but to some degree one has to suspect that some purchases were made via mail order from exempt Indian reservation outlets while others may be what is called gray market purchases, that is from sources outside the country.

What should come as a surprise is that most of the folks who have quit are of some means as they are more likely to recognize the health hazard caused by use of this product. That means most of those who are still smoking are among the lower-income members of our community. Thus, the tax is regressive, generating less and less collections from middle and higher-income individuals.



Source: Department of Taxation Annual Report (2020-2021), page 23.

As predicted, programs that have been fed by earmarks from the tobacco tax, like the Cancer Research Center, have become a victim of the success of tobacco cessation programs and publicity. Revenues produced by the tobacco tax have been in steady decline over the past few years despite tax rate increases; hoisting the smoking age to 21 in the 2015 session certainly didn't reverse the trend.

Fiscal reliance on funds from a sin tax is inadvisable, perhaps outright dangerous. If the goal is to affect social behavior, use of the tax law is not the most effective way to do so.

Digested: 2/8/2022

**Testimony before the Hawaii Senate Health and Commerce & Consumer Protection  
Committees**

**Regarding Regulation and Taxation Products**

**Martin Cullip, International Fellow**

**Lindsey Stroud, Director**

**Consumer Center**

**Taxpayers Protection Alliance**

**February 10, 2022**

Chairs and Vice-Chairs, Members of the Committees:

Thank you for your time today to discuss the issue of the regulation and taxation of electronic cigarettes and vapor products in Hawaii. My name is Martin Cullip and I'm an International Fellow at the Taxpayers Protection Alliance's (TPA) Consumer Center. 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. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

Per the statement from the legislation's sponsor, this proposal is an effort to address youth use of tobacco and vapor products. While such efforts are laudable, policymakers should refrain from excessive prohibition when addressing such issues. Rather than punish adult former smokers, Hawaii lawmakers ought to fund robust tobacco control programs, including education and prevention.

**Youth Use of Vapor Products is Declining**

The legislation refers to the 2018 statement from the United States Surgeon General that classified "youth usage of e-cigarettes as an epidemic" and cites that nationally, current e-cigarette use among high school students increased "from 13.2 percent in 2017 to 32.7 percent in 2019."

In 2019, among high school students in Hawaii, 30.6 percent of high school students reported current e-cigarette use.<sup>1</sup> It should be noted that current e-cigarette use is defined as having used an e-cigarette on at least one occasion in the 30 days prior to the survey.

While youth use of both tobacco and vapor products is alarming, more recent youth surveys indicate that youth use of e-cigarettes is declining.

In 2021, according to the National Youth Tobacco Survey, an estimated 11.3 percent of high school students and 2.8 percent of middle school students reported having used a vapor product on a least one occasion in the month prior to the survey.<sup>2</sup> Further, only 3.1 percent of high school students and less than one percent of middle schoolers reported daily e-cigarette use. The



rate of decline is remarkable: among high school students, vaping rates have declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes.

### **Robust Tobacco Control Funding – Not Bans – to Address Youth Tobacco and Vapor Product Use**

The proposed legislation would also require that \$750,000 be deposited annually “to the credit of the Hawaii tobacco prevention and control trust fund ... to support health education and prevention programs concerning the risks and danger of the use of electronic smoking devices for youth.”

Again, addressing youth use is laudable and we can commend the Legislature for attempting to provide additional funding for youth prevention programs. But it is a shame to impose a new tax on tobacco harm reduction products while spending so little of existing tobacco monies on tobacco control programs.

Hawaii first enacted an excise tax on tobacco products in 1939 and has collected billions of dollars in tobacco tax collections.<sup>3</sup> Between 2000 and 2020, Hawaii collected an estimated \$2.1 billion in cigarette taxes.<sup>4</sup> During the same 20-year period, the Aloha State increased the tax rate on cigarettes nine times. The last tax increase raised the rate by \$0.20, to \$3.20 per pack.

Tobacco taxes are not the only form of tobacco-revenue the state collects. In the mid-1990s, Hawaii sued tobacco companies to reimburse Medicaid for the costs of treating smoking-related health issues. And, in 1998 with 45 other states, the Aloha State reached “the largest civil litigation settlement in U.S. history” through the Master Settlement Agreement (MSA).<sup>5</sup>

Under the MSA, states receive annual payments – in perpetuity – from the tobacco companies, while relinquishing future claims against the participating companies. Between 2000 and 2020, Hawaii collected \$974.4 million in MSA payments.<sup>6</sup>

Despite increasing taxes, and perpetual settlement payments, the Aloha State allocates very little of state funding towards tobacco control.

Between 2000 and 2020, Hawaii allocated only \$168.9 million in state funds towards tobacco control programs.<sup>7</sup> This is 7.9 percent of what the state collected in cigarette taxes in the same 20-year time span and 17.3 percent of MSA payments. In total, in 20 years, Hawaii allocated only 5.4 percent of what the state received in tobacco taxes and settlement payments towards tobacco education and prevention efforts. In essence, for every \$100 received in tobacco-related taxes and settlement payments, the state spent \$5.40 funding tobacco control programs.

Moreover, increased taxes did not create increases to state tobacco control funding. For example, in 2010, the state increased the cigarette tax by \$0.60, to \$2.60 per pack. This led to an immediate 14.8 percent increase in cigarette tax collections, from \$104.4 million in 2009 to

\$119.9 million in 2011. During the same time period, tobacco control funding decreased by 24.8 percent, from \$10.5 million in 2009 to \$7.9 million in 2010.

If lawmakers truly care about youth use of age-restricted products, especially tobacco products, they ought to invest more funding in robust tobacco control programs. In 2020, Hawaii collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments yet dedicated only \$6.4 million in state funding to such programs. That amounts to just \$20.62 per person under the age of 18. In 2020, for every \$100 the Aloha State collected in tobacco monies, it spent only \$4.60 on tobacco control programs. This is less than the average price of cigarettes, which is \$8.99 per pack.

**(See Supplemental Graph 1.1)**

### **Vapor Product Emergence Correlates to Significant Declines in Young Adult Smoking Rates**

Lawmakers in the Aloha State should also recognize the benefit e-cigarettes have had at reducing combustible cigarette rates among young adults.

Electronic cigarettes and vapor products were Aloha introduced to the U.S. in 2007 “and between 2009 and 2012, retail sales of e-cigarettes expanded to all major markets in the United States.”<sup>8</sup> Moreover, between September 2014 and May 2020, e-cigarette sales in the U.S. increased by 122.2 percent.<sup>9</sup>

Examining data from the CDC’s BRFSS finds that e-cigarettes’ market emergence has coincided with a significant reduction in smoking rates among young adults.

In 1998, among current adult smokers, 24 percent were 18 to 24 years old. In 2008, this had decreased by 22.1 percent to 18.7 percent of adult smokers in Hawaii being between 18 to 24 years old.

In the years after e-cigarette’s market emergence in the early 2010s, smoking rates among current smokers aged 18 to 24 years decreased by 50.9 percent. Indeed, in 2010, among current smokers in Hawaii, 23.2 percent were between 18 to 24 years old. In 2020, only 11.4 percent of current smokers were 18 to 24 years old.

Further, since 2016, when the U.S. surgeon general issued an alarm about youth e-cigarette use, smoking rates among adults aged 18 to 24 years in the Aloha State have decreased by five percent, with an average annual decrease of 4.7 percent.

**(See Supplemental Graph 1.2)**

### **Vaping Rates Among Hawaiian Adults**

Despite providing annual data on cigarette and smokeless tobacco use, the CDC’s BRFSS only reports on adult e-cigarette use for 2016 and 2017.



In 2017, according to the BRFSS, 4.7 percent of Hawaii adults were current e-cigarette users. Similar to income status among smokers, lower income persons are more likely to use vapor products. In 2017, among current adult e-cigarette users, 9.7 percent reported household incomes of \$25,000 or less per year. Conversely, only four percent reported earning \$50,000 a year or more.

### **Economic Impact of Vaping in Hawaii**

In 2021, according to the analysis by the Vapor Technology Association, the industry created 190 direct vaping-related jobs in Hawaii. These jobs generated more than \$8.2 million in wages.<sup>10</sup> Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2021 to \$54.7 million. In the same year, Hawaii received more than \$4.6 million in state taxes attributable to the vaping industry.

Unfortunately, efforts by anti-vaping organizations and policymakers have negatively affected vape shops in the Aloha State. The number of employees has decreased by 57.9 percent from 451 in 2018 to 190 in 2021, representing a loss of \$9.9 million in wages.<sup>11</sup> Further, state tax collections in 2021 were down 51.2 percent from 2018's level of \$9.5 million. Overall, the economic output from the vaping industry in Hawaii was reduced from \$100.7 million in 2018 to \$54.7 million in 2021, a 45.7 percent decrease.

**(See Supplemental Graph 1.3)**

### **Excise Taxes Burden Low Income Hawaiians**

In Hawaii, in 2020, among current adult smokers, 25.7 percent reported annual incomes of less than \$15,000 and 18.2 percent of current smokers reported earning between \$15,000 and \$24,999 per year. In fact, nearly half (43.9 percent) of all current adult smokers earned less than \$24,999 per year in 2020. Only 7.7 percent of current adult smokers in Hawaii reported earning \$50,000 or more a year in 2020.

Interestingly, smoking rates have declined more rapidly among higher income persons in the Aloha State than their low-income counterparts. Between 1995 and 2020, smoking rates among current smokers earning \$24,999 or less decreased by 14.6 percent. Conversely, among persons earning \$50,000 or more, rates decreased by 56.3 percent during the same period. In fact, between 2019 and 2020, smoking rates increased by 1.2 percent among low-income earners, yet decreased by 20.6 percent among higher income smokers.

**(See Supplemental Graph 1.4)**

### **Youth Are Not Relying on Online Sales for Vapor Products**

The legislation seeks to ban the shipment of vapor products, notably to thwart internet sales of vapor products to youth, despite many Hawaiian youth not using the internet to obtain vape products.

According to the 2017 Hawai'i Youth Tobacco Survey, among high school students that were e-cigarette users, only 7.8 percent reported purchasing an e-cigarette on the internet. Alternatively, 10.8 percent of high school students reported purchasing e-cigarettes at a “vape shop or store that sells only e-cigarettes,” and whopping 60 percent reported purchasing vapor products from friends.

### **Taxes on E-Cigarettes Unlikely to Deter Youth Use**

Further, there is no data to indicate that youth use of vapor products decreased after implementing taxes on e-cigarettes and indeed, youth vaping has actually increased after other states implemented vapor taxes. Tobacco Harm Reduction 101 examined the effects of vapor taxes in six states. From 2017 to 2019, current e-cigarette use among high school students increased in five states – even with excise taxes imposed on such products.

#### ***Kansas Vapor Tax: \$0.05 per milliliter***

Kansas' tax on e-cigarettes and vapor products went into effect July 1, 2017.<sup>12</sup>

According to Kansas's YRBSS, in 2017, 34.8 percent and 10.6 percent of high school students reported ever and current e-cigarette product use, respectively.<sup>13</sup>

In 2019, ever-use increased by 28.4 percent, to 48.6 percent of Kansas high school students and current e-cigarette use increased by 51.8 percent, to 22 percent of high school students using an e-cigarette on at least one occasion in the 30 days prior.

#### ***Louisiana Vapor Tax: \$0.05 per milliliter***

Louisiana's tax on e-cigarettes and vapor products went into effect August 1, 2015.<sup>14</sup>

According to Louisiana's YRBSS, in 2017, 45.1 percent and 12.2 percent of high school students reported ever and current e-cigarette product use, respectively.<sup>15</sup>

In 2019, ever-use increased by 13.3 percent, to 52 percent of Louisiana high school students and current e-cigarette use increased by 46.7 percent, to 22.9 percent of high school students using an e-cigarette at least one occasion in the 30 days prior.

#### ***North Carolina Vapor Tax: \$0.05 per milliliter***

North Carolina's tax on e-cigarettes and vapor products went into effect July 1, 2015.<sup>16</sup>

According to North Carolina's YRBSS, in 2015, 49.4 percent and 29.6 percent of high school students reported ever and current e-cigarette product use, respectively. In 2017, ever-use decreased by 12 percent, to 44.1 percent of North Carolina high school students and current e-cigarette use decreased by 33.9 percent, to 22.1 percent of high school students using an e-cigarette in the last 30 days.<sup>17</sup>

In 2019, 52.4 percent of high school students reporting having ever used an e-cigarette, this is a 15.8 percent increase from 2017, and a 5.7 percent increase from 2015 rates.

Regarding current e-cigarette use, in 2019, 35.5 percent of North Carolina high school

students reported using an e-cigarette on at least one occasion in the 30 days prior, this is a 37.7 percent increase from 2017 rates, and a 16.6 percent increase from 2015 rates.

***Pennsylvania Vapor Tax: 40 percent of purchase price***

Pennsylvania's tax on e-cigarettes and vapor products went into effect October 1, 2016.<sup>18</sup>

According to Pennsylvania's YRBSS, in 2015 40.8 percent and 23.1 percent of high school students reported ever and current e-cigarette product use, respectively. In 2017, ever-use increased by 2.4 percent, to 41.8 percent of Pennsylvania high school students, and current e-cigarette use decreased by 104 percent, to 11.3 percent of high school students using an e-cigarette in the last 30 days.<sup>19</sup>

In 2019, 52.6 percent of high school students reporting having ever used an e-cigarette, this is a 20.5 percent increase from 2017, and a 22.4 percent increase from 2015 rates. Regarding current e-cigarette use, in 2019, 24.4 percent of Pennsylvania high school students reported using an e-cigarette on at least one occasion in the 30 days prior, this is a 53.7 percent increase from 2017 rates, and a 5.3 percent increase from 2015 rates.

***West Virginia Vapor Tax: \$0.075 per milliliter***

West Virginia's tax on e-cigarettes and vapor products went into effect July 1, 2016.<sup>20</sup>

According to West Virginia's YRBSS, in 2015, 49.1 percent and 31.2 percent of high school students reported ever and current e-cigarette product use, respectively. In 2017, ever-use decreased by 10.6 percent, to 44.4 percent of West Virginia high school students, and current e-cigarette use decreased by 118.2 percent, to 14.3 percent of high school students using an e-cigarette in the last 30 days.<sup>21</sup>

In 2019, 62.4 percent of high school students reporting having ever used an e-cigarette, this is a 28.8 percent increase from 2017, and a 21.3 percent increase from 2015 rates. Regarding current e-cigarette use, in 2019, 35.7 percent of West Virginia's high school students reported using an e-cigarette on at least one occasion in the 30 days prior, this is a 59.9 percent increase from 2017 rates, and a 12.6 percent increase from 2015 rates.

**Health Effects of Electronic Cigarettes and Vapor Products**

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

**Public Health England (PHE):** In 2015, a landmark report relying on 185 studies and produced by PHE (a leading health agency in the United Kingdom), found “that using [e-cigarettes are] around 95% safer than smoking,” and that their use “could help in reducing smoking related disease, death and health inequalities.”<sup>22</sup> In 2018, the agency reiterated their findings, finding vaping to be “at least 95% less harmful than smoking.”<sup>23</sup>

As recent as February 2021, PHE provided the latest update to their ongoing report on the effects of vapor products in adults in the UK. The authors found that in the UK, e-cigarettes were the “most popular aid used by people to quit smoking [and] ... vaping is positively associated with quitting smoking successfully.”<sup>24</sup>

**The Royal College of Physicians (RCP):** In 2016, RCP found the use of e-cigarettes and vaping devices “unlikely to exceed 5% of the risk of harm from smoking tobacco.”<sup>25</sup> RCP is another United Kingdom-based public health organization, and the same group which was the first to highlight the link between smoking and lung cancer, and other tobacco related diseases, in 1962.

**The National Academies of Sciences, Engineering, and Medicine:** In January 2018, the academy noted “using current generation e-cigarettes is less harmful than smoking.”<sup>26</sup>

**Cochrane Review:** Researchers at the Tobacco Addiction Group analyzed studies that examined the effects of e-cigarettes in helping smokers quit. The researchers found 61 studies that had over 16,700 adults that had smoked. The studies compared the instances of quitting smoking using e-cigarettes to other nicotine replacements including nicotine replacement therapy, nicotine-free e-cigarettes, behavioral support and others. Of the available evidence, the authors found that more people “probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy ... or nicotine-free e-cigarettes.” The authors also found that e-cigarette “may help more people to stop smoking than no support or [behavioral] support only.”<sup>27</sup>

**Society for Research on Nicotine and Tobacco (SRNT):** An article in August 2021 co-authored by 15 past presidents of the SRNT reported that “Many scientists have concluded that vaping is likely substantially less dangerous than smoking”. Furthermore, they found that “A growing body of evidence indicates that vaping can foster smoking cessation” and warned “Studies have found that policies intended to restrict e-cigarette use may have unintentionally increased cigarette smoking”.<sup>28</sup>

Switching from combustible cigarettes to electronic cigarettes and vapor products will also reduce smoking-related health issues and save persons and states money. WalletHub estimated the “true cost of smoking” including, “...cost of a cigarette pack per day, health care expenditures, income losses and other costs.”<sup>29</sup> WalletHub estimated the true cost for smoker in Hawaii to be \$41,677 per-smoker per-year in 2020.

In 2019, 12.3 percent of Hawaii adults were classified as current smokers, amounting to 137,268 adults. In 2020, 11.6 percent of the adult population smoked, are about 128,898 smokers. This represents nearly 8,371 fewer adult smokers in the Aloha State. Using WalletHub figures, this represents over \$348.8 million in yearly savings in smoking costs.

## **Conclusion & Summary Points**

Despite alarmism, electronic cigarettes are effective tobacco cessation products that have helped thousands of Hawaiian adults quit combustible cigarettes and flavors are essential in this use. Although youth use of vapor products is concerning, lawmakers must refrain from alarmist efforts that would restrict access to less harmful alternatives to smoking. Lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaigns.

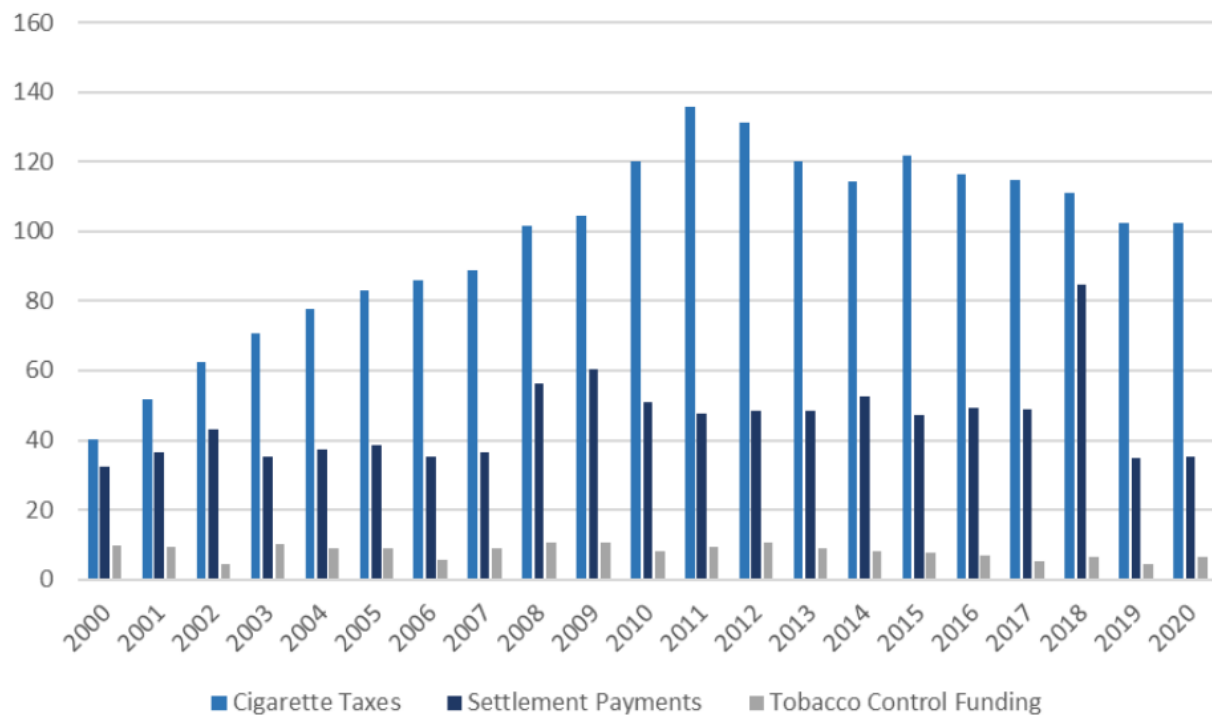
- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
- Hawaii spends very little of existing tobacco monies on tobacco control programs.
- In 2020, the Aloha State collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments yet allocated only \$6.4 million (4.6 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$4.60 funding tobacco control programs. This is less than the average price of cigarettes – which is \$8.99 per-pack.
- E-cigarettes' market emergence is associated with low young adult smoking rates. In 2020, among current smokers in Hawaii, only 11.4 percent current smokers were 18 to 24 years old – a 50.9 percent decrease from 2010. Further, since 2016, smoking rates among young adults have decreased by five percent.
- The vapor industry has been an economic boon to Hawaii, generating \$54.7 million in economic activity in 2021 while creating 190 direct vaping-related jobs. Further, the industry has contributed more than \$4.6 million in state taxes.
- Unfortunately, anti-vaping efforts have reduced the industry's economic impact. The number of employees decreased by 57.9 percent from 451 employees in 2018, state tax collections were down 51.2 percent from 2018's \$9.5 million, and overall economic activity was down by 45.7 percent from \$100.7 million in 2018.
- Tobacco and vapor excise taxes burden low-income Hawaiians. In 2020, nearly half (43.9 percent) of all current adult smokers in the Aloha State earned less than \$24,999 a year.
- Data from youth surveys indicate youth are not relying on online sales for vapor products. In 2017, only 7.8 percent of Hawaiian high school students that were current e-cigarette users reported purchasing e-cigarettes over the internet.
- Data from existing youth surveys indicate that excise taxes on vapor products do not reduce youth use.
- Numerous public health groups including Public Health England, the Royal College of Physicians and the National Academies of Sciences, Engineering and Medicine have found e-cigarettes to be significantly less harmful than combustible cigarettes.

## Supplemental Graphs

### 1.1 Tobacco Monies and Tobacco Control Funding

# Cigarette Taxes, Settlement Payments, Tobacco Control Funding

(Dollars, in millions)

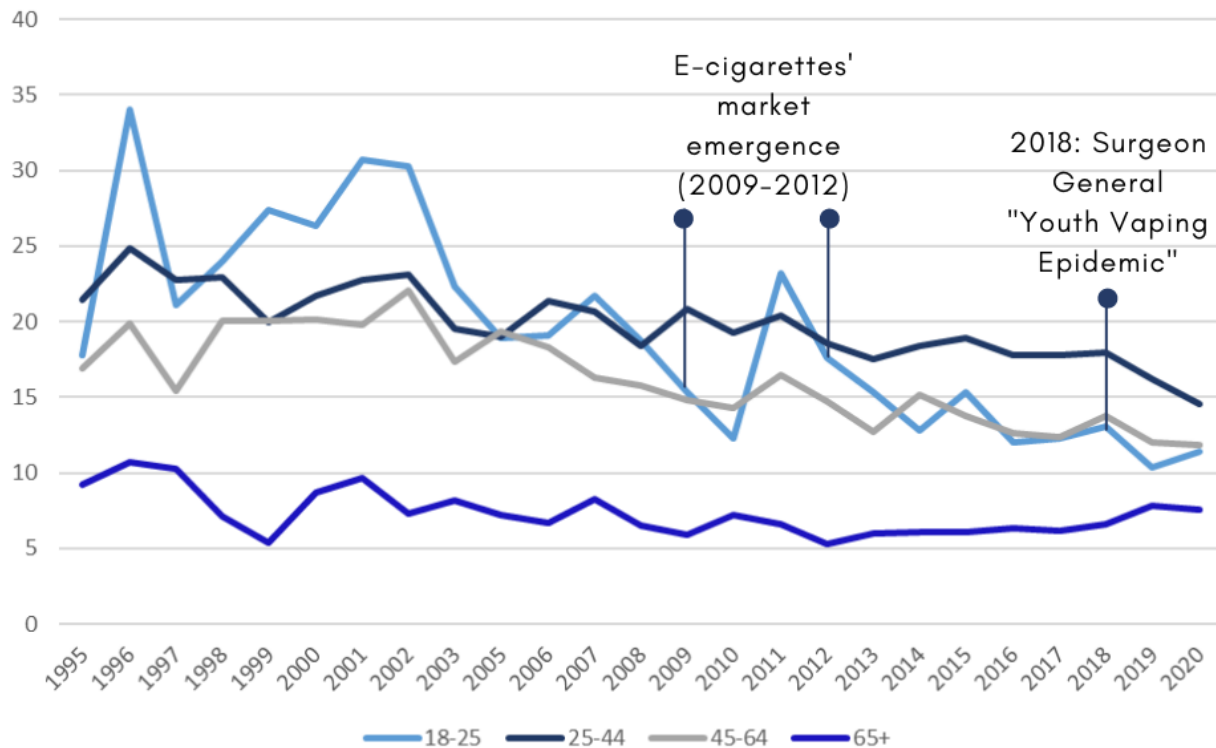




## 1.2 E-Cigarettes and Young Adult Smoking Rates

### **E-CIGARETTES EMERGENCE LED TO SIGNIFICANT DECREASE IN SMOKING RATES AMONG YOUNG ADULTS**

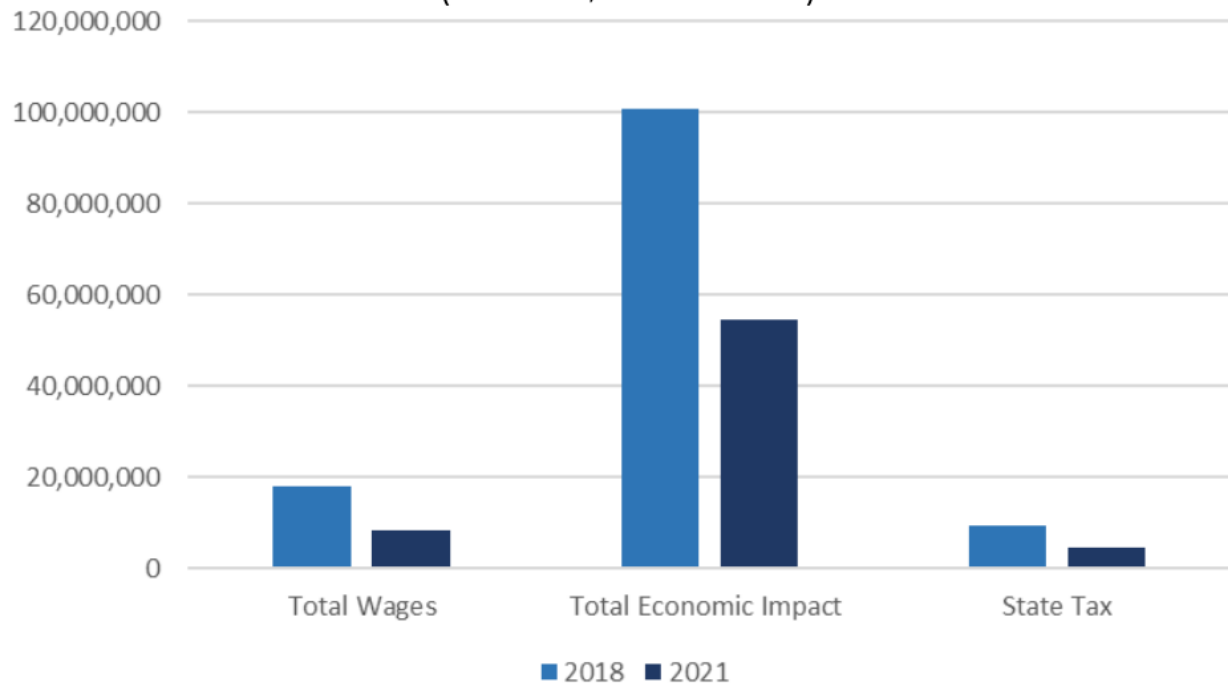
Current Smokers by Age Group (Percent)



### 1.3 Vape Shops Economic Impact

# Vape Shop Economics

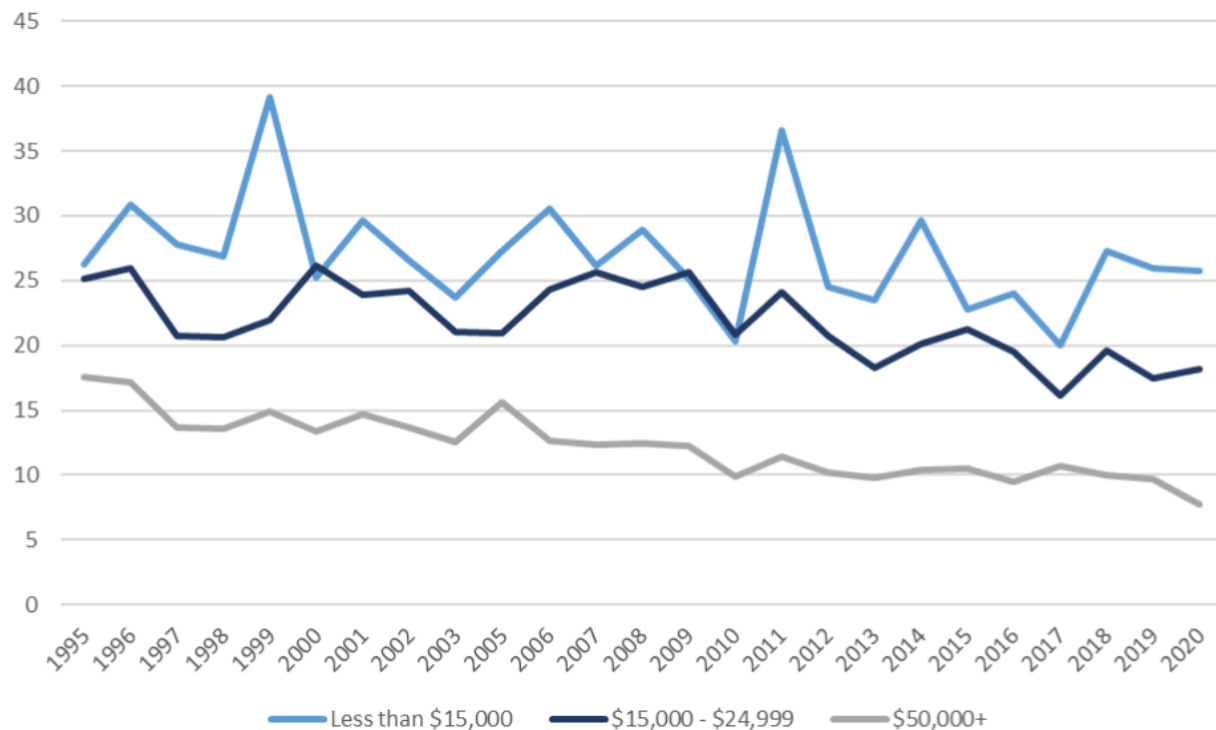
(Dollars, in millions)





## 1.4 Low Income Smoking Rates

# Current Smokers Household Income (Percent)



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**Taxpayers Protection Alliance, 1101 14<sup>th</sup> Street, NW., Suite 1120, Washington, D.C. 20005  
(202) 930-1716, [www.protectingtaxpayers.org](http://www.protectingtaxpayers.org)**

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Chair            Jarrett Keohokalole  
Vive Chair    Rosalyn Baker  
Members of the Committee on Health

## TESTIMONY IN SUPPORT OF SB 2278, RELATING TO TOBACCO PRODUCTS

My name is Julian Lipsher, testifying as an individual in support of SB 2278. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee, part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health, focusing on tobacco prevention and control and chronic disease prevention.

Despite decades of progress in tobacco control, Hawaii and the nation are still confronted with smoking and tobacco use being the leading cause of health and disease. Hawaii has some of the strictest and most comprehensive protections regarding exposure to secondhand smoke and sale of traditional tobacco products. Yet currently the practice of vaping and use of electronic smoking devices, commonly called e-cigarettes, has resulted in significant rates of delivery of nicotine and flavored products to our youth, potentially addicting a new generation of smokers.

E-cigarettes are the most commonly used tobacco product among youth since 2014. In 2016, the US Surgeon General issued a warning regarding the use of e-cigarettes for both youth and young adults. In 2018, the Surgeon General identified e-cigarette use as a youth epidemic.

In Hawaii, e-cigarette use rates are above national averages with almost 1 in 5 middle schoolers and 1 in 3 high schoolers reporting regular use. Experimentation among high school students is reported at 48%.

Without effective regulation governing the shipment, sale and violation of privileges, the continued growth in e-cigarette use remains unchecked. SB 2278 creates a useful definition for e-cigarettes including it under the current definition of tobacco products as used in the cigarette tax law in HRS Chapter 245-1.

The bill provides for a regulatory structure that, when effectively enforced, will significantly reduce the access to these products to impact the current youth epidemic. E-cigarettes are currently the only tobacco product that is not taxed and would provide both a source of state revenue and create a disincentive to use these products.

Hawaii has been without a means to stem the alarming rise in e-cigarette use for too long. SB 2278 as proposed would establish the needed regulatory foundation to prevent and protect our youth from becoming the next generation addicted to nicotine.

Thank you for the opportunity to testify on this measure.

**SB-2278**

Submitted on: 2/7/2022 9:36:40 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Ching, MD, MPH	Testifying for American Academy of Pediatrics, Hawaii Chapter	Support	No

## Comments:

Dear Chairs, Vice Chairs, and Members of the Committee on Health and Committee on Commerce and Consumer Protection:

The American Academy of Pediatrics, Hawaii Chapter supports SB2278, relating to tobacco products. This bill would establish the offense of unlawful shipment of tobacco products, include electronic smoking devices within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law, fund health education and prevention programs concerning the risks and dangers of the use of electronic smoking devices for youth.

From 2017 to 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%), according to the 2019 National Youth Tobacco Survey.

Nicotine is highly addictive and can harm adolescent brain development, which continues into the mid-20s. Compared with older adults, the brains of youth and young adults are more vulnerable to nicotine’s harmful health effects. These include nicotine addiction and potentially reduced impulse control, mood disorders, and poor attention and thinking skills.

This bill would help to control the distribution of e-cigarette products and reduce the availability of e-cigarette products by shipment, which children can use to easily obtain these products. Thank you for this opportunity to provide testimony.

Sincerely,

Michael Ching, MD, MPH, FAAP  
President  
American Academy of Pediatrics, Hawaii Chapter



**American  
Heart  
Association.**

## **American Heart Association testimony for SB 2278 “Relating to Tobacco Products”**

The American Heart Association supports the intent of SB 2278.

Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day. Total economic cost of smoking in the U.S. is more than \$300 billion a year, including nearly \$170 billion in direct medical care for adults. More than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke. In Hawaii alone, it annually claims 1,100 lives each year and \$526 million in healthcare costs are directly attributed to smoking in our state.

Hawaii is in the midst of a youth epidemic concerning the use of electronic smoking devices. Hawaii has the highest rate of middle school-aged student use of those products in the nation, and the second highest high school student usage rate.

Even though there is more work needed to fully understand all the dangers of e-cigarettes, there’s plenty of evidence they’re harmful for growing minds and bodies.

Here’s a look at the latest science about vaping and nicotine, as well what science hasn’t uncovered yet.

### **Safety of vaping vs. cigarettes**

One of the most basic things people want to know is whether vaping is better for you than cigarettes. It’s easy to jump to the conclusion that vaping is better. After all, there is no mystery about smoking: It can kill you.

The problem is, no one knows if vaping is safe in the long run because e-cigarettes haven’t been around long enough to be studied deeply. Some diseases can take years and even decades to develop, including cancer and atherosclerosis (artery blockages that can cause heart attacks and strokes).

Another reason it’s difficult to study vaping is that people switch back and forth between smoking, vaping and not using either. We can see short-term effects in animals exposed to one or another, but understanding long-term effects requires long-term studies.

In addition to a lack of sufficient research, some contents of e-cigarettes remain unknown. The Food and Drug Administration – responsible for judging the safety of things Americans put into their bodies – has not yet evaluated all of the products on the market for safety.

We do know that the lines between the vaping industry and Big Tobacco have blurred. Altria, the maker of Marlboro and Skoal, has invested more than \$12 billion

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into Juul, which makes e-cigarettes that are extremely popular with young people. The investment was 35% of Juul's value at the time of the purchase.

Big Tobacco has a history of misrepresenting facts about nicotine and smoking. So, vaping-safety claims from industry or research supported by industry should be met with skepticism. For example, there's the claim that vaping produces only water "vapor" or aerosols – which sound far healthier than cigarette smoke. But there is a lot more than water in that aerosol.

The aerosols in some e-cigarettes have been found to contain multiple chemicals known to be toxic. Some aerosols contain heavy metals and other toxic ingredients (like the volatile organic compounds you try to avoid in some house paint).

Some of the flavors designed to make e-cigarettes more attractive to children have been shown to harm lung tissue, heart muscle cells, the lining cells of blood vessels, and the cells we need for blood clotting after injury.

These studies have been done in cells from human volunteers, and in some cases, the functions of these cells have been studied in volunteers after they vape.

Even the chemicals used to deliver the aerosol (like propylene glycol or glycerol) can be toxic, as can the heavy metals often produced by these delivery systems themselves. And remember, aerosols are inhaled deep into the lungs, where their effects may be long-lasting.

The idea that vaping is a better way to quit cigarettes than reliable methods using FDA-approved nicotine replacement products isn't backed up by the weight of science.

Of the small number of studies about this, most show no advantage for e-cigarettes over the temporary use of FDA-approved products such as gum, lozenges and patches. The latter products have been proven helpful as part of an overall program for quitting, which should also include counselling and can include medications to reduce cravings.

One study frequently cited by industry and its supporters did show e-cigarettes to be effective in stopping smoking. However, as is often the case with science, that part of the study's results doesn't tell the whole story.

The study, published in The New England Journal of Medicine, was conducted in England. That's significant because the e-cigarettes in England are far different from those in the U.S. English products have much lower levels of nicotine, regulated by the government, and physicians there actually encourage their use to quit smoking.

Two reports from Public Health England are often referenced for stating "e-cigarettes are less harmful than combustible cigarettes." But those studies did not



compare e-cigarette use to zero-nicotine exposure. And, those reports rely on small studies or reviews sponsored by organizations supported by Big Tobacco.

Some U.S. smokers have used e-cigarettes to quit, but a growing body of studies shows that approach doesn't work for many people. They cut back, but they still smoke while vaping and they remain addicted. That's called "dual use" in public health literature. The dangers of cigarettes remain, with the added dangers of vaping.

The Association advises anyone quitting smoking to get off nicotine products altogether, using FDA-approved tools proven to be effective. We also don't want anyone to ever start any nicotine-containing product.

Nicotine remains a major concern about e-cigarettes. They can contain unusually high levels of nicotine. One e-cigarette refill pod can contain as much nicotine as an entire pack of cigarettes and kids are sometimes vaping 2-4 pods a day. And open pod e-cigarette products popular among Hawaii youths can contain even much more nicotine.

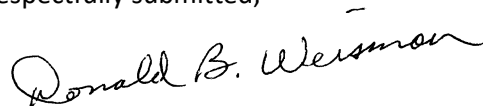
That's especially troubling because many studies in animals show nicotine is a neurotoxin (a poison affecting the nervous system). It can affect brain development from early fetal life through adolescence, permanently changing the ability to think or reason.

The National Academies of Science, Engineering and Medicine and the World Health Organization believe nicotine delivery via e-cigarettes during pregnancy can adversely affect the development of the fetus and can affect immune system and lung function.

E-cigarettes are now the most popularly used tobacco product among Hawaii's youth. According to recent Department of Health data, over 40 percent of Hawaii's youths have tried e-cigarettes, and 30 percent are now regular users. On neighbor islands, regular use of e-cigarettes by youths tops 30 percent.

The American Heart Association of Hawaii urges legislators to pass comprehensive, science-based policies (including banning flavors from all tobacco products, and requiring retailers who sell tobacco products, including e-cigarettes, to obtain a license tied to meaningful fines for illegal sales to minors) to help reduce Hawaii youth vaping epidemic.

Respectfully submitted,

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

Donald B. Weisman  
Government Relations/Communications and Marketing Director

**COMMITTEE ON HEALTH****Senator Jarrett Keohokalole, Chair****Senator Rosalyn H. Baker, Vice Chair****COMMITTEE ON COMMERCE AND CONSUMER PROTECTION****Senator Rosalyn H. Baker, Chair****Senator Stanley Chang, Vice Chair****Thursday, February 10, 2022, 9:30AM****Testimony in Strong Support of SB 2278 Relating to Tobacco Products**

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 Hawaii 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 Hawaii officials to implement taxation of electric smoking devices (in parity with other tobacco products).** Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

The need for Hawaii to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels due to a 78 percent increase in high school e-cigarette use from 2017 to 2018, according to the Centers for Disease Control and Prevention (CDC). This equals one million additional kids beginning to use e-cigarettes, placing their developing bodies at risk from the chemicals in e-cigarettes, as well as a lifetime of deadly addiction.

Regulating e-cigarettes is necessary to protect public health and prevent youth initiation and nicotine addiction. This bill would apply a tax to e-cigarettes devices and e-liquids, require licensing and permitting for wholesalers and retailers, and create online shipment restrictions to consumers. It would also dedicate a percent of the revenues to tobacco prevention, control, and research.

By increasing funding for tobacco control programs, Hawaii would have a powerful opportunity to further reduce and prevent tobacco use, including supporting communities that still use tobacco at higher rates and who have been targeted by the tobacco industry. Despite Hawaii receiving an estimated \$160 million from tobacco settlement payments and tobacco taxes, the state does not fund tobacco control efforts at levels recommended by the CDC.

The use of electronic smoking devices by youth in Hawaii is nearly double the national average, and urgent action is required by state legislators in 2022 to address it. The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by passing Senate Bill 2278.

**Pedro Haro****Executive Director****American Lung Association in Hawaii**

February 9, 2022

TO: Jarrett Keohokalole, Chair  
Rosalyn H. Baker, Vice Chair  
Members of the Senate Committee on Health

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

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

RE: **SB 2278** - Relating to Tobacco Products  
Hearing Date: February 10, 2022  
Time: 9:30 a.m.

The Cigar Association of America, Inc. (CAA) **opposes SB 2278** which in part makes unlawful the shipment of tobacco products except to a licensee to the extent that it includes cigars. The primary focus of this bill is to address the rising use of electronic smoking devices ("ESG") by youth in Hawaii. Cigars are primarily the choice and custom of mature, responsible and informed adults and are not the tobacco product of choice among Hawaii's youth. There are regulations already in place with respect to the shipment of ESGs. Therefore, any prohibition on the shipment of tobacco products unless to a licensee should exclude cigars.

Thank you for considering this testimony.

**SB-2278**

Submitted on: 2/7/2022 11:52:24 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Reiko Ayabe	Testifying for Hale Opio Kauai	Support	No

## Comments:

We believe this will help with containing our youth from purchasing, let alone making it harder for minors to buy or use tobacco products. I have seen youth as early as 1st graders thinking that vaping/e-cigarettes are normal. Growing up here on Kauai my whole life I want to protect the keiki from these devices making it harder for them to get ahold of. Just plain and simple the affects it has on a youth and drastically affecting their health during the most important stages of their adolescent life.



# Hawaii

## Children's Action Network Speaks!

Building a unified voice for Hawaii's children

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

To: Senate Committee on Health

Re: **SB 2278 - Relating to Tobacco Products**

Hawai'i State Capitol, Conference Room 229 & Videoconference  
February 10, 2022, 9:30 AM

Dear Chair Keohokalole, Vice Chair Baker, and committee members,

**On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of SB 2278, relating to tobacco products.** This bill would regulate e-cigarettes as tobacco products via licensing and permitting, taxation, restriction of online shipments, and the dedication of substantial funds to youth e-cigarette education and prevention programs.

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

This bill would create parity between e-cigarettes and other tobacco products on many levels. By applying the same tobacco prevention policies and regulations that have already been proven in Hawai'i to reduce cigarette use dramatically, we can bring down our unacceptably high rates of youth e-cigarette use.

Currently, e-cigarettes are the only tobacco products without a tax in Hawaii. The evidence shows that taxing tobacco products reduces youth initiation and encourages tobacco users to quit. In addition, currently no tobacco taxes are being allocated for tobacco prevention and control programs.

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

Hawai'i needs to take action to tackle our growing youth vaping epidemic. Our state was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. We can and should reverse the trends in youth e-cigarette use by implementing proven policies.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,  
Nicole Woo, Director of Research and Economic Policy

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

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



**Testimony to the Senate Joint Committee on Health and Commerce and Consumer Protection**

**Thursday, February 10, 2022; 9:30 a.m.**

**State Capitol, Conference Room 229**

**Via Videoconference**

**RE: SENATE BILL NO. 2278, RELATING TO TOBACCO PRODUCTS.**

Chair Keohokalole, Chair Baker, and Members of the Joint 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** Senate Bill No. 2278, RELATING TO TOBACCO PRODUCTS.

By way of background, the HPCA represents Hawaii's FQHCs. FQHCs provide desperately needed medical services at the frontlines 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.

This bill, as received by your Committee, would strengthen the regulation of tobacco products by:

- (1) Establishing the offense of unlawful shipment of tobacco products;
- (2) Include electronic smoking devices within the definition of "tobacco products" as the term is used in the Cigarette Tax and Tobacco Tax Law;
- (3) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (4) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; and
- (5) Change the disposition of Cigarette Tax and Tobacco Tax revenues.

**Testimony on Senate Bill No. 2278**

**Thursday, February 10, 2022; 9:30 a.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.

The HPCA thanks the introducer of this bill and joins ACS-CAN and other advocates in strong support of all efforts to rid the marketplace of 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](mailto:eabe@hawaiiipca.net).

**SB-2278**

Submitted on: 2/7/2022 4:26:40 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

Dear Committee.

The Hawaii Smokers Alliance is **STRONGLY OPPOSED** to SB2278. High taxes and unfair regulation is not in the interest of the 1 in 5 constituents who smoke or vape.

Respectfully,

Michael Zehner

co-chair





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

Osa Tui, Jr.  
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Logan Okita.  
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Lisa Morrison  
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Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON HEALTH AND THE  
COMMITTEE ON COMMERCE & CONSUMER PROTECTION

RE: SB 2278 - RELATING TO TOBACCO PRODUCTS

THURSDAY, FEBRUARY 10, 2020

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Keohokalole, Chair Baker, and Members of the Committees:

The Hawaii State Teachers Association **supports SB 2278**, relating to tobacco products. This bill establishes the offense of unlawful shipment of tobacco products. Includes electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law. Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices. Provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund. Effective July 1, 2023.

The use of e-smoking products among youth is at epidemic levels. According to data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey, **the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018. Use among middle school-age children also increased nearly 50 percent.** Furthermore, 1 in 5 high school students reported using e-cigarettes in the past month according to the Surgeon General. **Locally, Hawaii's 2017 Youth Risk Behavior Survey revealed that over 42% of Hawaii high school students have tried using electronic smoking devices and over 25% of Hawaii high school students indicated that they are regular users.**

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

**In December 2020, Congress passed the Preventing Online Sales of E-Cigarettes to Children Act, which prohibits the shipment of e-cigarettes directly to consumers. However, this Act exempts intrastate shipments in Alaska and Hawaii, creating a loophole that could allow children to purchase e-cigarettes online. Hawaii can prevent underage access to tobacco products online by prohibiting the shipment of tobacco products directly to consumers. We need to close this loophole with state law!**

**The electronic cigarette industry has gone largely unregulated for far too long and has therefore been able to market their products both directly and indirectly to our youth. It is time that regulation of the e-cigarette industry be on par with the regulation of traditional tobacco products. Taxation of tobacco products is a proven strategy to reduce usage among youth; thus, this bill would help deter children from not only trying e-cigarettes but also from becoming habitual users of these products. Also, **this bill will prohibit the direct shipment of e-liquids to consumers here in Hawaii which will help ensure these harmful tobacco products don't end up in the hands of our youth via online purchases.****

**To prevent easy access to tobacco products via online purchases and to help make electronic smoking devices and e-liquids more cost prohibitive for youth via taxation parity with traditional tobacco we ask you to support this bill.**

**SB-2278**

Submitted on: 2/8/2022 2:53:40 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marisa McKnight	Testifying for JOCOR Enterprises, LLC	Oppose	No

## Comments:

I oppose any bill that is trying to increase taxes. I feel we are a much better alternative than smoking cigarettes. I feel that if these bills continue to be brought up, that it would take away from what our company is trying to do, we are trying to help our Community. We are making a difference and we are trying to continue to do so.



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

Aloha Members of the Committee,

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

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

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

Mahalo nui loa,

Pediatric Therapies Hawai'i

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



To our Distinguished Legislators:

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

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

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

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

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

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

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

I also ask that you be sure to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed here in Hawaii.

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

Thank you for your time.

Jamil Folio

**SB-2278**

Submitted on: 2/8/2022 12:37:14 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Riva	Testifying for Tear Drip Holdings Inc	Oppose	No

## Comments:

The propped bill would increase costs to not only my business but the business we directly deal with in Hawaii and make it impossible to conduct business. we strongly hope that you take a look at this bill and work with local companies in this industry to come up with a plan that makes sense.



February 9, 2022

To:

[COMMITTEE ON HEALTH](#)

Senator Jarrett Keohokalole, Chair

Senator Rosalyn H. Baker, Vice Chair

[COMMITTEE ON COMMERCE AND CONSUMER PROTECTION](#)

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

From: Cory Smith, VOLCANO eCigs  
CEO and Owner

**RE: SB2278 – oppose**

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes is the largest independent retailer & wholesaler of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 16 locations statewide and employ over 90 full-time workers.

We stand in **opposition** to SB2278 for the following:

- Vapor products and e-liquids contain NO tobacco, often times contain NO nicotine, and ultimately emit NO smoke when vaporized; yet SB2278 deceptively refers to vapor products as “Electronic Smoking Devices” to mislead the public and creates a false perception of the nature of these products. This misclassification establishes the idea that vapor products are the same as tobacco products and thus, should be viewed, controlled, and perceived the same way as traditional tobacco products. This is a complete disregard of the fact that vapor products are fundamentally different from tobacco products in every way.

- SB2278 states in its justification that the bill and its regulations are needed to curb youth usage. It states “in 2018 the Surgeon General made the unprecedented move of classifying the danger of youth usage of e—cigarettes as an epidemic.”. However, it fails to mention the latest available CDC report that shows youth use of all tobacco products, including e-cigarettes are at the lowest levels ever. Furthermore, a study done the following year at the University of Michigan found that the majority of youth who have reported using e-cigarettes are not using e-liquids that contain nicotine - further suggesting that youth who do use ecigarettes are doing so to replace the use of traditional tobacco.

- o <https://www.cdc.gov/media/releases/2017/p0615-youth-tobacco.html>

- o <https://www.psc.isr.umich.edu/events/archive/feature-detail/1833>

- The most Recent CDC report has shown e-cigarettes have supplanted all other traditional nicotine replacement therapies and are now the most commonly used product by consumers to quit using traditional tobacco cigarettes

- o [http://www.journalnow.com/business/business\\_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article\\_a33383f3-5300-5178-9f14-28b52884c45c.html](http://www.journalnow.com/business/business_news/local/cdc-report-shows-moresmokers-try-to-quit-with-e/article_a33383f3-5300-5178-9f14-28b52884c45c.html)



- A recent study published by the New England Journal of Medicine concluded that ECigarettes are twice as effective for smoking cessation than traditional nicotine replacement therapy products which are not taxed or controlled the same way this bill proposes to tax and control E-Cigarettes. The state should be creating easier access for these products, not tighter regulations that steers vapers back towards tobacco cigarettes

o <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

- A recent study by the National Academy of Sciences, Engineering, and Medicine stated: "there is conclusive evidence that completely substituting e-cigarettes for combustible tobacco cigarettes reduces users' exposure to numerous toxicants and carcinogens present in combustible tobacco cigarettes." The findings add to the already weighty body of evidence showing vaping to be far less hazardous than smoking.

o <http://www.washingtonexaminer.com/landmark-e-cigarette-report-explodes-myththat-vaping-is-as-toxic-as-smoking/article/2646804>

o [http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm\\_source=Hootsuite&utm\\_medium=Dashboard&utm\\_campaign=SentviaHootsuite](http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-ecigarettes.aspx?utm_source=Hootsuite&utm_medium=Dashboard&utm_campaign=SentviaHootsuite)

- SB2278 States in its justification that the use of licensing and permit fees will help "protect consumers, such as requiring retailers of e-liquids to obtain a retail tobacco permit". We fail to see how requiring retailers to obtain a permit will translate to 'protecting the public'. Rather, it will simply burden the 50+ small businesses operating in the vapor products industry with unnecessary fees and bureaucratic hurdles.

- Vapor Products are not the same as tobacco products, and thus, should not be regulated in the same fashion. Vapor products have not been demonstrated to have the same detrimental effects of combustible tobacco products and have otherwise been shown in recent studies to be as much as 95% less toxic than traditional Cigarettes. Creating extraneous regulations that aim to limit access only serves to protect deadly tobacco markets.

o [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457102/Ecigarettes\\_an\\_evidence\\_update\\_A\\_report\\_commissioned\\_by\\_Public\\_Health\\_England\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf)

- SB2278's justification states that without taxing vapor products, "smokers may be tempted to purchase less expensive products such as e-liquid". This is false. Virtually all e-cigarette starter kits and bottles of e-liquid are already higher priced in comparison to tobacco cigarettes. An average reusable electronic cigarette starter kit ranges in price from \$30 to upwards of \$300 depending on the device.

- Most troubling is the fact that by subjecting vapor products to this proposed tax, the additional costs to consumers will likely result in the state seeing less tax revenue, and even worse, former smokers returning to tobacco use. The tax will result in current vapor users purchasing from online vendors who would not be subject to state taxes. Local manufacturers, wholesalers and retailers would be put at a massive competitive disadvantage and most retail customers would send their money out-of-state effectively lowering the tax revenue already being generated by sales of vapor products here in the state. We would be unable to compete in other out-of-state and international markets with competitors who are not subjected to the same tax, which would put our local operations in severe jeopardy meaning an immediate loss of jobs and existing revenues. This bill would also effectively reduce





access to a modified risk product that has been a public health win and would simply prop up and protect the proven deadly tobacco market.

It is our belief that this continuing unjustified classification and requirements are not in the best interests of the State of Hawaii. Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

Cory N. Smith  
CEO & Owner  
VOLCANO eCigs  
330 Sand Island Access Rd. #400  
Honolulu, HI 96819  
[cory@volcanoecigs.com](mailto:cory@volcanoecigs.com)

**SB-2278**

Submitted on: 2/7/2022 7:41:48 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

Strongly Support **SB2278**

[www.WeAreOne.cc](http://www.WeAreOne.cc)

**SB-2278**

Submitted on: 2/4/2022 6:19:27 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ned Garcia	Individual	Oppose	No

Comments:

= I'm opposed to more taxes on these products.

**SB-2278**

Submitted on: 2/5/2022 4:56:38 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Chang	Individual	Oppose	No

Comments:

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**SB-2278**

Submitted on: 2/6/2022 10:42:23 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Alan Watanabe	Individual	Oppose	No

Comments:

Strong opposition. All these regulations and taxes are bad for consumers.

Consumers = constituents.

**SB-2278**

Submitted on: 2/6/2022 4:06:24 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sabrina Spencer	Individual	Oppose	No

Comments:

Vaping is safe.

**SB-2278**

Submitted on: 2/7/2022 9:47:51 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristin Mills	Individual	Support	No

Comments:

I am in strong support of SB2278.

Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and it has been declared vaping a youth epidemic by the U.S. Surgeon General. One in three high school students and one in five middle school students report “currently using” e-cigarettes (per 2019 YRBS data).

As a parent and health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids’ ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it’s very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

Taxing tobacco products is a proven strategy to reduce youth rates of use. However, e-cigarettes are the **ONLY** tobacco product without a tax! E-cigarettes need to be taxed and the funds accrued need to be put into prevention and control services.

I support this bill because it applies a tobacco tax to e-cigarettes at the same rate as other tobacco products, requires licensing and permitting for tobacco retailers and wholesalers, and restricts online sales. By requiring sales to be face-to-face, it will be much harder for youth to obtain these products via the internet.

Our youth deserve their health! Our youth deserve to remain addiction free. Please help protect our youth by supporting SB2278,

Mahalo, Kristin Mills, M.S., M.A.

**SB-2278**

Submitted on: 2/7/2022 11:21:11 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Natasha Woodward	Individual	Support	No

## Comments:

As a counselor at a DOE school, I see firsthand the damages that vaping does to kids. Research has also shown the damages to brain development for youth using these products. Restrictions are needed to reverse the trend and take care of Hawaii's keiki.



Aloha Chair and Honorable Members of the Committee,

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

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

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

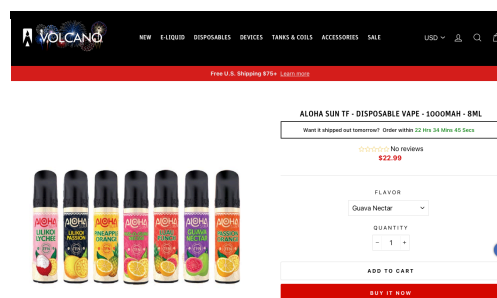
We know that tobacco control legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation. But our progress is starting to be undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on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

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

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

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

Mahalo nui loa,  
Katie Folio  
Kula, Maui, Hawaii



**SB-2278**

Submitted on: 2/7/2022 11:37:46 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Patricia Blair	Individual	Support	No

Comments:

Why haven't e-cigarettes been banned?

**SB-2278**

Submitted on: 2/7/2022 11:38:18 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
irene kloepfer	Individual	Support	No

Comments:

This bill must pass now

**SB-2278**

Submitted on: 2/7/2022 12:33:53 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mele Look	Individual	Support	No

Comments:

Mele Look

41-028 Manana Street

Waimanalo, HI. 96795

RE: SB 2278 Relating to Tobacco Products

Honorable Chair Senator Jarrett Keohokalole and Vice Chair Senator Roslyn Baker and Committee Members

I strongly support SB 621 and its intent to treat e-cigarettes as a tobacco product. I have been involved in public health advocacy and biomedical research in Hawai'i for the past 45 years. The impact of e-cigarettes and has been devastating, especially in our youth. I remember the great effort it took to reduce tobacco use in our state and throughout our nation. And now is the time to move to protect Hawai'i residents. I know by professional and personal experience within my family the scary addictive quality of e-cigarettes. My son became addicted to nicotine at 16 years old, through e-cigarettes and vaping. It has been horrible to watch the struggles even when he has wanted to quit.

E-cigarettes are now the most popular tobacco product among youth – and that's largely because it's not subject to many of the regulations other tobacco products are subject to. By implementing the same policies and regulations Hawai'i used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

Please support the passage of this bill.

**SB-2278**

Submitted on: 2/7/2022 1:13:50 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cyd L. Hoffeld	Individual	Support	No

Comments:

Aloha,

My name is Cyd L. Hoffeld, a resident of Hilo. I am in **strong support** of **SB2278** because it does so much to create safeguards that protect the revenue of properly licensed and permitted businesses while protecting our youth from harmful and addictive tobacco products that can easily be purchased online and shipped through the mail to anyone. The bill also allows for fines to be directed into the Hawai'i Tobacco Prevention and Control Trust Fund which is very important.

Thank you for the opportunity to testify in **strong support** of **SB2278**.

Cyd

**SB-2278**

Submitted on: 2/7/2022 2:13:18 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathleen Rooney	Individual	Support	No

## Comments:

I support this legislation because applying a tobacco tax to e-cigarettes at the same rate as other tobacco products creates a meaningful price increase that is needed to reduce e-cigarette use among youth.

**SB-2278**

Submitted on: 2/7/2022 2:32:09 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Simpson-Gomez	Individual	Support	No

## Comments:

I am in support of this bill because I see everyday health consequences from vaping with my roommates. It is harder for them to do everyday simple tasks without needing to have their vape with them. They refuse to leave the house without their vape. Supporting this bill helps to lower the percentage of underage vapers as well as protect their current and future health.

February 6, 2022

Committee on Health  
Senator Jarret Keohokalole, Chair  
Senator Rosalyn H. Baker, Vice

Committee on Commerce & Consume Protection  
Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice chair

Dear Honorable Senators:

My name is Diane Omura, a retired health educator in strong in support of SB2278.

In recent years, there's a 900% increase in e-cig use by students. Since vaping has replaced smoking, an estimated 21,000 children in Hawaii under the age of 18 will die prematurely. E cigs are just as or possibly more harmful than tobacco, yet are not subject to important regulations. All policies that apply to tobacco must also be applied to e-cigs!

Please support SB 2278 which will require face to face purchases and restrict online sales, making it harder to teens to obtain these products. SB2278 will impose a tax which will result in reduced consumption and prevent youth initiation. This move will also increase license fees for dealers, increase permit fees for retailers, and generate revenues toward education and prevention. I strongly support SB2278 and ask you to pass this out of committee. Thank you for your consideration.

Sincerely,

Diane Omura



**SB-2278**

Submitted on: 2/7/2022 5:13:57 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Higa	Individual	Oppose	No

Comments:

This bill is bad for business and bad for consumers.

Date: February 7, 2022

To: The Honorable Jarrett Keohokalole, Chair  
The Honorable Rosalyn H. Baker, Vice Chair  
Members of the Senate Committee on Health

The Honorable Rosalyn H. Baker, Chair  
The Honorable Stanley Chang, Vice Chair  
Members of the Senate Committee on Commerce and Consumer Protection

Re: **Support for SB 2278**, Relating to Tobacco Products

Hrg: Thursday February 10, 2022 at 9:30 am Conference Room 229 and Videoconference

Aloha Senate Committees on Health and Commerce and Consumer Protection,

As a parent, community member and healthcare professional I am writing in **strong support of SB 2278** which establishes the offense of unlawful shipment of tobacco products; includes electronic smoking devices within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law; increases the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products; increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products; repeals certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices; and, provides for the disposition of fines paid for the unlawful shipment of tobacco products into the Hawaii Tobacco Prevention and Control Trust Fund.

**Hawaii is in the midst of a youth vaping epidemic** that has been underway for more than 5 years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

**SB 2278** includes several effective, evidence-based approaches to reducing smoking, including regulation, taxation and in-person purchase only, to help address the youth vaping epidemic.

✓ Requiring licensing and permitting for tobacco retailers and wholesalers will help implement and enforce current laws and regulations.

✓ **E-cigarettes are the only tobacco products without a tax.** Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit. Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) is a meaningful price increase that is needed to reduce e-cigarette use among youth.

✓ Restricting online sales requires face-to-face purchases making it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

No tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.

It is time for all of us to come together to effectively address and reverse the youth vaping epidemic in Hawai'i using all of the evidence-based tools available.

I **strongly support SB 2278** and respectfully ask that you pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD

Keaau, HI

**SB-2278**

Submitted on: 2/7/2022 6:16:51 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Suzanne Fields	Individual	Support	No

## Comments:

E-cigarettes have rapidly gained popularity among Hawaii's youth, hurting their health and even [putting them at a greater risk for COVID-19](#). **Tobacco taxes and restricting online sales will make it harder for youth to access these dangerous products.**

This is a necessary initiative - it's sad, scary, and inevitable that continuing to allow Hawaii's youth access to these products will greatly impact future health status in a NEGATIVE and costly manner if we continue to allow youth to access E-cigarettes. we MUST do everything we can to restrict access to these harmful products.

**SB-2278**

Submitted on: 2/7/2022 6:49:42 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Spurrier	Individual	Support	No

## Comments:

As a public health nurse, mom, and person with a chronic lung disease, I would like to express my very strong support of SB 621. We need to take action to protect our community- and especially our children- from the costly effects of nicotine addiction. Further, disposable and largely plastic devices are frequently found on streets and beaches along with cigarette butt litter. Please limit access of vaping devices and regulate and tax them as you would cigarettes and other tobacco/nicotine products. Thank you.

**SB-2278**

Submitted on: 2/7/2022 7:00:16 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nicholas Winters	Individual	Oppose	No

Comments:

I don't want to get beat up with more taxes.

**SB-2278**

Submitted on: 2/7/2022 9:23:04 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Travis Bagano	Individual	Oppose	No

Comments:

I oppose this bill

## **SB 2278**

I am writing in support of SB 2278, which regulates e-cigarettes as tobacco products and ends the sale of flavored smoking devices. The explosion of vaping by middle and high schoolers over the past few years has created a situation in which too many children, attracted by the flavors and packaging, have begun on the dangerous path to nicotine addiction. By eliminating the tobacco flavors, the attractiveness of these products is diminished significantly. In addition, by taxing and regulating e-cigarettes like regular tobacco products, they will be less available and more expensive, and excellent disincentive. Finally, I urge you to add back the menthol ban. Many youngsters prefer the menthol flavoring, as do other ethnic groups such as Pacific Islanders. Allowing menthol flavoring is a health equity issue in encouraging economically disadvantaged groups to continue using tobacco products. The less attractive we can make tobacco and e-cigarette use, the healthier our population will be – big savings for everybody in Hawaii.

Linda Weiner, MD  
Pediatrics, Kauai



**SB-2278**

Submitted on: 2/8/2022 6:49:16 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kim Swartz	Individual	Support	No

Comments:

Kids are tech savvy. If they can't buy ecigs at a store, they can figure out a way to purchase it online. Let's stop any chances that they can buy ecigs from their phones.



#### Board of Directors

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Testimony of Eric Wright  
President of the Hawaii Petroleum Marketers Association (HPMA)

### SB 2278 - RELATING TO TOBACCO PRODUCTS CONCERNS

Senate Committee on Health  
The Honorable Jarrett Keohokalole, Chair  
The Honorable Rosalyn H. Baker, Vice Chair

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

Thursday, February 10, 2022 at 9:30 a.m.

Aloha Chairs Keohokalole and Baker and Members of the Committees:

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

Senate Bill 2278 seeks to, among other things, increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes, electronic smoking devices, and tobacco products from \$20 to \$300.

While HPMA takes no position to most sections of Senate Bill 2278, offer comments on the proposed increase in the retail tobacco permit fee. As you all know, most local businesses are struggling to stay afloat during this global pandemic. Many local businesses cannot sustain the continued operating losses and are shutting down permanently.

This is simply not the time to increase our cost of doing business in Hawaii by increasing our retail tobacco permit fee from \$20 to \$300. This measure would increase the license fee for tobacco by 1,000%, which is excessive and unnecessary.

Local retailers will suffer as a result of this proposed increase. Hawaii already has one of the highest tobacco taxes of any state. Attempting to increase the retail tobacco permit fee will increase prices to consumers, and will continue to drive away our loyal customers and encourage mail order or gray market purchases from exempt Indian reservation outlets as well as from sources outside the country.

Please also keep in mind that the retail tobacco permit fee was created to help pay for the permitting process, administration and enforcement, and was not meant to fund other programs.

Thank you for allowing HPMA the opportunity to comment on this bill.

**SB-2278**

Submitted on: 2/8/2022 8:34:27 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Mih	Individual	Support	No

Comments:

Aloha,

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which improves regulations on electronic smoking devices. Electronic smoking devices are used in a similar manner as cigarettes, yet are not taxed as such. The American Academy of Pediatrics strongly supports regulation and taxation of electronic smoking devices to prevent initiation of use, especially by young people. Hawaii has one of the highest rates of middle schoolers (18%) and high schoolers (31%) currently using e-cigarettes. For Native Hawaiian and Pacific Island youth the rates are even higher: 30% for middle schoolers and 40% for high schoolers.

Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable. Once young people are addicted to nicotine, it is extremely difficult to quit.

Appropriately regulating and taxing these electronic nicotine devices just brings these products in line with laws regarding other tobacco products. This is a common sense solution that is long overdue and which will improve the health of many, especially our keiki and young people. Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

**SB-2278**

Submitted on: 2/8/2022 10:21:19 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
VALENTINO MIRANDA-KEPA	Individual	Oppose	No

Comments:

Aloha Board

Please OPPOSE Bill SB2278 I've been Cigarette FREE for 2 years do to vape it's the only tool that works for me Please keep this an option for us law abiding Adults

**SB-2278**

Submitted on: 2/8/2022 10:26:14 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ashley Okemura	Individual	Oppose	No

## Comments:

The smell and chemicals in vape are less potent than that of a cigarette. It is more pleasant for not only me but the people around me. I have been gradually decreasing my nicotine intake as well, helping me quit smoking a lot quicker than cigarettes.

**SB-2278**

Submitted on: 2/8/2022 10:26:34 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ASHLEY MATTOS	Individual	Oppose	No

Comments:

i strongly OPPOSE this bill.

**SB-2278**

Submitted on: 2/8/2022 10:31:57 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
joseph	Individual	Oppose	No

Comments:

Exhaled smoke is less harmful to surrounding people and doesn't give off the same stench.

**SB-2278**

Submitted on: 2/8/2022 10:36:13 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
HANALEI BENN	Individual	Oppose	No

Comments:

We don't need anymore laws!

In place the laws we already have instead of taking and spending our hard working tax money.

Focus on the laws that are already in place.



**SB-2278**

Submitted on: 2/8/2022 10:37:30 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alysa	Individual	Oppose	No

Comments:

I strongly oppose this.

**SB-2278**

Submitted on: 2/8/2022 10:39:54 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andy Takaaze	Individual	Oppose	No

Comments:

STOP MAKING LAWS THAT TAKE AWAY OUR PERSONAL CHOICES AND OUR FREEDOMS. IF YOU ARE CONCERNED ABOUT HEALTH, TAKE THE MASKS OFF OUR KIDS. MAHALO.

**SB-2278**

Submitted on: 2/8/2022 10:40:10 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cheyenne DeVera	Individual	Oppose	No

Comments:

I oppose this bill.

**SB-2278**

Submitted on: 2/8/2022 10:42:02 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
dillon rellez	Individual	Oppose	No

## Comments:

I strongly oppose this bill. The tobacco laws are very strict here in hawaii and I don't think there should be any change. I think this government should be worry about getting these masks off of us before worrying about any other bills that do not matter. Stop the nonsense already, tobacco laws are fine the way they are.

**SB-2278**

Submitted on: 2/8/2022 10:54:52 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ellen benton	Individual	Oppose	No

## Comments:

I oppose this bill because it would directly effect my place of business. I also find it to be unfair way to further control the people of Hawaii. If tobacco sales was such a concern, then we ought to be restricting alcohol sales as well since they are in the same category.

**SB-2278**

Submitted on: 2/8/2022 10:57:53 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Munekata	Individual	Oppose	No

## Comments:

The Unlawful shipment of tobacco products should penalize the individual or company committing the offense. Instead this bill proposes to increase the fees to Tobacco Distributors who have not committed an offense who will pass on the fee to the consumers who have not committed any such crime. This is another appalling failure to enforce the laws currently in effect and trying to force innocent people to finance the state failure to enforce the current law. I oppose.

**SB-2278**

Submitted on: 2/8/2022 10:58:32 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Breaker O'Day	Individual	Oppose	No

## Comments:

Again? Look, this is just going to hurt people trying to quit smoking and small businesses. Were you paid off by big tobacco? You're just trying to hurt the people. I've been vaping for years, and have had no ill effects. What you're doing is purely political, and we all know it. The FDA cleared a e-cigarette made by whom? Big tobacco. It's quite clear.

You want to hurt the vaping industry, just like big tobacco. Cut it out. You're going to hurt consumers and small business as well. I'm tired of you Nazi Democrats telling me what I can and cannot put into my body, enough. I know about your crimes against humanity with your fake pandemic. Cut it out.

**SB-2278**

Submitted on: 2/8/2022 11:00:32 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jade N Shiroma	Individual	Oppose	No

Comments:

Hello,

I would like to add my testimony that vape products saved my, my boyfriend's and my brother's health. They helped us to step down on our smoking in a way that NO other cessation product could have. NONE of us would have quit had it not been for the customizable vape products. We also all quit without gaining weight which also helps with overall health. While I can only attest specifically to the three of us, I have heard several anecdotal stories of many more people quitting with vapes. While one use, pre-filled vapes like Juul are horrible, bad for you and target children, not ALL of these products do this.

To make a blanket tax that makes these tools too hard for mid and lower income people to get will not stop people from taking in nicotine, it will only make them move over to cigarettes or not attempt to use vaping to quit smoking, increasing the cost of health care and productivity all over the island. Increasing the prices via taxes punishes adults trying to quit far more than adult or teen addicts. The addicts will find the money regardless of the price and new teen customers are bad with money and will buy them regardless as well. The only people these taxes will discourage are those attempting to use vaping to quit smoking.

Please stop attempting to restrict vaping on the islands for adults to stem health issues and addiction in children, this isn't the same type of market as cigarettes. Instead, ads, the "coolness" factor, the high level nicotine, and one-use vapes should be targeted.

Thank you for your time,

Jade Shiroma



**SB-2278**

Submitted on: 2/8/2022 11:03:32 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Breaker O'Day	Individual	Oppose	No

## Comments:

I strongly oppose this bill, as e-cigarettes and vaping fluid is not tobacco. While education is warranted, marking it illegal for transport is to put it mildly is absurd. Not all e-liquid even has nicotine in it. E-liquid varies in levels of nicotine from 0 mg - 60 mg was the highest was the last time that I checked.

Furthermore, the last time that I checked, the FDA cleared the use of e-cigarettes for use as well, so they are safe for use. Why are you trying to ban them? Did they pay you off? It sure sounds like it, you're trying to restrict it, just like tobacco, which it isn't. This sounds just like a power grab. Just like your fake pandemic, right? Enough with the damned taxation and over regulations, I invite all of you to step down. I can choose for myself what's bad and what isn't.

I've been vaping for years, and feel better than when I've been smoking tobacco. Cut it out, Nazi Democrats.

**SB-2278**

Submitted on: 2/8/2022 11:07:40 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Hoku	Individual	Oppose	No

Comments:

I do not agree in fees/increase of for wholesalers or dealers of tobacco products. I oppose this bill (SB 2278).

**SB-2278**

Submitted on: 2/8/2022 11:14:25 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Naomi Muronaka	Individual	Oppose	No

Comments:

Vaping has really helped me to quite smoking cigarettes.

Aloha

First and foremost I am a parent who has helped both of my children quit vaping and smoking. I have also dedicated the last 17 years working in the field of Cessation. Once a child or adult is addicted it takes many attempts to quit for good. Regulations are key in controlling access for children.

I strongly support this bill, which improves regulations on electronic smoking devices. Electronic smoking devices are used in a similar manner as cigarettes, yet are not taxed as such. Hawaii has one of the highest rates of middle schoolers (18%) and high schoolers (31%) currently using e-cigarettes. For Native Hawaiian and Pacific Island youth the rates are even higher: 30% for middle schoolers and 40% for high schoolers.

Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable. Once young people are addicted to nicotine, it is extremely difficult to quit.

Appropriately regulating and taxing these electronic nicotine devices just brings these products in line with laws regarding other tobacco products. This is a common sense solution that is long overdue and which will improve the health of many, especially our kiekeies and young people. Mahalo for your consideration and support of this important measure.

Valerie Smalley

NCTTP

**SB-2278**

Submitted on: 2/8/2022 11:37:29 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lopaka Poaha	Individual	Oppose	No

Comments:

Aloha

lopaka poaha here again. giving my testimoney today..

ive smoked cigs since i was 14yrs old im 38yrs old now. so ive been smoking for about 24yrs an i have recently quit for 8month an counting due to the help an use of disposables and e-juices. so if this testimony helps any please dont discontinue the use of the products.. have a blessed day much love an respect

lopaka poaha

**SB-2278**

Submitted on: 2/8/2022 12:18:55 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shelby Pakele	Individual	Oppose	No

Comments:

I really don't want to go back to smoking cigarettes that I can't even identify what's in it and smell horrible and also letting the entire world know that I smoke cigarettes. I strongly oppose this Bill.

**SB-2278**

Submitted on: 2/8/2022 12:43:30 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
spencer lee mead	Individual	Oppose	No

## Comments:

people say disposables and e juice and mods are bad for someone  
but if someone is trying to quite smoking it really helps  
i stand by these products

**SB-2278**

Submitted on: 2/8/2022 12:51:12 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Tania Faris	Individual	Oppose	No

Comments:

Aloha Board

Please OPPOSE bill SB621 don't support a Bill that is aiding adults to quit traditional cigarettes  
don't punish law abiding adults



**SB-2278**

Submitted on: 2/8/2022 12:53:33 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
P Kuromoto	Individual	Oppose	No

## Comments:

Studies show that ecigarettes are the most effective tobacco harm reduction tool and that they are vastly less toxic than cigarette smoke. Flavors are used by adult vapers and are integral to the harm reduction. Studies also show vaping is not a gateway to combustible tobacco use. Smoking is down when vaping increases and can go back up if vapor products are banned.

It is important that adult smokers not be denied access to the best tool to quit smoking.

**SB-2278**

Submitted on: 2/8/2022 1:16:49 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Niki Kue	Individual	Oppose	No

Comments:

**I oppose Bill SB2278 in support of the vape industry. Within the past few years, the PACT Act which restricted the shipment of vape products and the PMTAs that killed countless vape brands due to unreasonable costs to meet standards have dragged the hard work and success of small vape companies right out from under their feet with no remorse. These are committed family men and women, these are passionate advocates because vaping helped them, these are people who believed in something enough to make a living out of it, people who have spent savings and dedicated years to build a maintainable business to support their livelihoods. The impact from these regulations that have already been put into play also stole hundreds of thousands of jobs nationwide from citizens when these businesses were forced to shut down. The vape industry has taken these massively damaging blows, and there continues to be a constant struggle for those trying to make a living with their business. These people do not need to struggle more financially when they are just trying to make a living out of something that they believe in. That is why I oppose Bill SB2278.**

**SB-2278**

Submitted on: 2/8/2022 3:21:52 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James R Sowa	Individual	Oppose	No

Comments:

All this seems to do is continue to raise prices to consumer without the "how and who is going to benefit from the monies collected and passed on to the public and run more business out of Hawaii

**SB-2278**

Submitted on: 2/8/2022 3:30:46 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dustin Hirayama	Individual	Oppose	No

Comments:

Aloha,

I oppose this bill as a tax on these products will hurt many local businesses who are following the rules and laws and are ensuring that products do not make their hands into underage people.

Vape products are in fact not tobacco products and should be left out of all the current rules and regulations for tobacco. There are many vaping products that are now tobacco free and clasifying them as such makes no sense.

**SB-2278**

Submitted on: 2/8/2022 3:56:35 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cindy Nettles	Individual	Oppose	No

Comments:

I oppose all of this bill.

**SB-2278**

Submitted on: 2/8/2022 4:32:24 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle K.	Individual	Support	No

## Comments:

Any action against usage and sale of e-cigarettes is welcome. After all, we know e-cigarettes promote unhealthy addiction among our youth. Their flavors disguise the harmful ingredients used to make the product. Please support this bill in order to protect our keiki so they don't suffer from a lifetime of poor health. Thank you for the consideration!

**SB-2278**

Submitted on: 2/8/2022 6:34:49 PM

Testimony for HTH on 2/10/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jasmyn Kaaa-Loo	Individual	Oppose	No

Comments:

I will lose my job and will have to resort to smoking cigarettes again if this bill gets passed.

Senator Jarrett Keohokalole (Chair of HTH), Senator Rosalyn Baker (Chair of CPN, Vice-Chair of HTH), Senator Stanley Chang (Vice-Chair of CPN):

I understand you will be the key members of the Conference that will be deliberating over Senate Bill 2278 (SB 2278). I am reaching out to you today to OPPOSE and vote NO on SB 2278. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as SB 2278.

"Estimates suggest that the e-cigarette tax increased adult smoking and reduced smoking cessation in Minnesota..." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3503054](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503054)

"...our findings suggest a possible unintended effect of e-cigarette MLSA laws-rising cigarette use in the short term while youth are restricted from purchasing e-cigarettes."  
<https://vivo.weill.cornell.edu/display/pubid30648308>

"These results suggest that the Massachusetts flavor ban and tax did not reduce e-cigarette consumption in the Greater Boston area, and that messaging questioning the safety of e-cigarettes led to an increase in combustible cigarette use." <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-021-00498-0>

"San Francisco's ban on flavored tobacco product sales was associated with increased smoking among minor high school students relative to other school districts."  
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."  
<https://pubmed.ncbi.nlm.nih.gov/34331447/>

"San Francisco's Flavored Vape Ban Linked to More Teen Smoking, Study Finds"  
<https://gizmodo.com/san-franciscos-flavored-vape-ban-linked-to-more-teen-sm-1846968389>

"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"  
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on SB 2278.

Thank you for your time and support!  
Your supporter and constituent,  
//signed-jgm//  
Johnathon G. Myers



Senator Jarrett Keohokalole (Chair of HTH), Senator Rosalyn Baker (Chair of CPN, Vice-Chair of HTH), Senator Stanley Chang (Vice-Chair of CPN):

I understand you will be the key members of the Conference that will be deliberating over Senate Bill 2278 (SB 2278). I am reaching out to you today to OPPOSE and vote NO on SB 2278. I wanted to take a quick moment of your time and share some journal and article highlights regarding the unintended regulatory effects on “electronic smoking devices” to assist in the due diligence and research required when making a regulatory decision such as SB 2278.

"Estimates suggest that the e-cigarette tax increased adult smoking and reduced smoking cessation in Minnesota..." [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3503054](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503054)

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"Young adult e-cigarette users indicate low support for e-cigarette sales restrictions (both for flavored products and complete restrictions). Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%). Those most likely to report positive impact of such policies being implemented were less frequent users, never-smokers, and those with greater e-cigarette-related health concerns. This research should be considered in future tobacco control initiatives."  
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"Vape Flavor Bans Will Lead More Teens to Smoke, Suggests Another Study"  
<https://filtermag.org/vaping-flavor-teens-smoking/>

Please feel free to let me know if you would some other articles or journals to further your research when making these types of regulatory decisions. In summary, OPPOSE and vote NO on SB 2278.

Thank you for your time and support!  
Your supporter and constituent,  
//signed-dabm//  
Darlene A.B. Myers

Date: February 8, 2022

To: Chair Keohokalole, Vice Chair Baker and members of the Senate Committee on Health  
Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and  
Consumer Protection

Re: Strong support for SB2278 Relating to Tobacco Products

My name is Misa and I am writing in strong support of SB2278. As I have lived and attended school in Hawaii all my life, I see so many of my peers with easy access to tobacco products.

I would like to underline that Big Tobacco markets these products in ways that entice youth. Unless our government addresses these companies' tactics that make tobacco products widely available and cheap as well as packaging their products that capitalize on youth popular culture, great harm will continue to be done to people my age. Us youth have been fighting for so many years to see the State hold Big Tobacco accountable, and I want to finally see it this year.

Please pass SB2278, so us youth who are the most impacted are protected.

Sincerely,  
Misa Layne  
Honolulu

2/8/22

Dear Chair Keohokalole, Vice Chair Baker and members of the Senate Committee on Health  
AND Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and  
Consumer Protection,

I am writing to support Senate Bill 2278 so the state can take action to protect us young people  
from Big Tobacco.

E-cigarettes are the most popular tobacco products for my age group, so e-cigarettes need to  
be regulated like other tobacco products in order to stop middle schoolers from smoking. We all  
know smoking is unsafe and we do not want young people to end up with COPD, lung disease,  
or lung cancer. Tobacco use has personally impacted my boyfriend by making him smoke at a  
young age. He finally quit at age 20 but started when he was a freshman in high school. It took  
him years to quit but he finally did. I am thankful he did and hopefully does not have any lung  
problems when getting older.

Ultimately, youth are the biggest people at stake because they are being directly targeted. Big  
Tobacco needs to be held accountable and regulated, and youth who are addicted need to be  
provided help to quit.

Support SB2278 and HOLD TOBACCO COMPANIES ACCOUNTABLE!

Bailee Otto  
Honolulu

Jaelyn Natividad  
Ewa Beach

February 8, 2022

To: Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health;  
Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and  
Consumer Protection

It is clear as day that the availability of tobacco products are negatively impacting youth and other groups like Native Hawaiians. These innocent people who are being targeted by Big Tobacco are purchasing these harmful products and the vicious cycle continues. Thus being said, the more it's available to the community, the increase of tobacco uses occurs.

At the moment, e-cigarettes (which is the most widely used by youth) are not regulated the same as other tobacco products. But, since there's a possibility of nicotine exposure in each product, it is necessary to put the same regulations on e-cigarettes.

I have personally seen youth in my community targeted and fallen prey to e-cigarettes. Once I graduated from elementary school, my friends and I parted ways. Once we hit middle school to high school we changed, some in a good way and some in a not so good way. Some picked up vaping, which they considered cool, in order to become popular. When I heard of my old friends and classmates vaping for the sake of being cool, it was devastating. I wouldn't have expected people who were so kind and innocent to change for a senseless judgement. In my opinion, there are other ways people can become cool, just not in a way where it could affect your body, life, and those around you.

Many of my former friends got easy access to e-cigarettes by purchasing online which have easy loopholes to the age limitation. Honestly, you could see a 12 year old vape and change their life at such a young age. The ability to have easy-access to tobacco products, like e-cigarettes, should be banned to keep our community safe and healthy.

I **strongly support SB2278** and urge you to as well.

Holly Taguma  
Lihue

February 8, 2022

Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the Senate Committee on Health

Chair Sen Baker, Vice Chair Sen. Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing this letter in strong support of SB2278. For the past couple of years, I have been advocating relentlessly with other youth to rein in and protect us from Big Tobacco.

Throughout middle and high school tobacco has been a part of daily life and it needs to change. I've seen the effects of tobacco on my family and peers. Flavors have been a huge factor. At school in the bathroom stalls the overwhelming sweet smell of vape smoke that corrupts the air, and there hasn't been one month where I wouldn't notice one of my peers masking themselves smoking in class or at school. Tobacco products are readily available to youth. This is very dangerous because the youth will become a target and will have these products easily accessible.

It is apparent that e-cigarettes are in need of regulation. It needs to be treated as a dangerous risk, if not even more than other tobacco products. The easy access to purchasing e-cigarettes has no doubt contributed to this issue and impacted my community greatly. If anyone wants to purchase an e-cigarette they will be able to, whether lying about their age online or getting it through a friend or family member. Sadly, there is always a way because Big Tobacco ensures there is a way.

Action to address youth tobacco use and hold Big Tobacco accountable is long overdue. Using their awful tactics, youth themselves have been blamed for falling prey to aggressive marketing. Rather than blaming youth who get addicted to e-cigarettes, through youth penalties, my peers should be encouraged to receive help to get through their addiction or problem.

I ask that you support SB2278 so we finally take action to hold Big Tobacco accountable, and keep our youth safe from them!

Shaneille Ramos  
Keaau, HI

Date: 2/8/2022

To: Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health  
Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and  
Consumer Protection

Re: Strong support for SB 2278

I urge you to pass SB2278 and address the youth tobacco use. The sheer availability of tobacco products is fueling the accessibility for youth, ultimately negatively impacting us. E-cigarettes in particular are quite cheap, and some shops even have 99 cent deals. By having tobacco products so widely available, youth who don't use these products are being peer-pressured (whether they know it or not!) to start.

In my high school it is extremely normal to have an e-cigarette addiction, much like the adolescents who were smoking in the 40s, way before laws were put in place. These laws were placed for the benefit and health of the youth. Hearing the studies and testimonies, I think it is time to put in place laws that will protect the youth for the greater good. Every student knows a peer in which they can access an e-cigarette and other tobacco products. All tobacco products need to be regulated to protect youth away from a future of health problems.

I see it on social media and in person that youth that are feening or seeking ways to fulfill their desire for an e-cigarette. It is very disheartening to see these kids avoid and not care for the harm being done to their bodies. When asked, many peers respond with a careless answer. However, by enforcing laws it will protect my friends from a destructive future. The relatively easy access to e-cig purchases, including those online, are driving these high rates of use. Some peers even supply other peers to gain a profit. Don't we all agree that it is time to put the health of youth over sales of tobacco products?

Sincerely,  
Shaneille

Date: Feb 8, 2022

To: Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the Senate Committee on Health

Chair Sen Baker, Vice Chair Sen. Chang and members of the Senate Committee on Commerce and Consumer Protection

Re: Strong support for SB2278

The easy accessibility of e-cigarette products exposes youths, like myself, to products with adverse health effects and coerce us into trying things that we might not know the full extent of. The effects of the wide availability of the tobacco product are worsened by advertisements that use manipulative marketing tactics to attract youths. These two things combine to create a dangerous recipe for the vaping epidemic that we're currently seeing.

Why should e-cigarettes be an exception to the regulation on tobacco products? E-cigarettes have been shown to have similar health risks and have greater impact in vulnerable populations such as youths. It's time to regulate e-cigarettes like all other tobacco products.

Zoey Duan  
Liliha

Chair Keohokalole, Vice Chair Baker and Senators on the  
Committee on Health

AND

Chair Baker, Vice Chair Chang and Senators on the Committee on  
Commerce and Consumer Protection

My name is Carissa Angelize Esta and I **support SB2278.**

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

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

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

Please help end the sale of all flavored tobacco products and pass SB2278.



Dear:

Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the  
Senate Committee on Health

Chair Sen Baker, Vice Chair Sen. Chang and members of the Senate  
Committee on Commerce and Consumer Protection

My name is Kaya Pettit and I support SB2278.

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

I ask that you don't turn a blind eye to this very important issue. Support SB2278 so we don't have a new generation of youth harmed by tobacco.

Kaya

Honolulu

Feb 8, 2022

February 8, 2022

Sydney Ryan  
Kapolei

Dear Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health; Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

I want to share with you why I think supporting SB2278 is so important.

There was a girl about my age in my drivers Ed class, she was about 15 or 16 years old. I noticed that she was going to the bathroom a lot. I dismissed this at first, and then noticed that the guy sitting next to her was sneaking her a vape pen whenever she would use the bathroom. At first she was going to the bathroom every half an hour or so. She started missing so much of the class, she was leaving every ten minutes. She then missed so much class that she failed and had to reschedule to retake the class all over again. One day, after class as we were all waiting outside to be picked up, she kept asking to use this guy's vape pen. He kept telling her no, he knew the dangers of nicotine products and vaping and told her that he was going to quit and that she shouldn't be vaping in the first place. After asking a few more times she started begging him to use it and even tried to take it from him.

Now that I've seen first hand what nicotine products can do to young people; I want to do everything I can do to advocate for the young teens out there who have been through this. I want to make sure that all teens are aware of the damage that this causes physically and mentally. Teens are hooked in by the nicotine and flavors, and many are misinformed that vaping calms you down and lowers anxiety. The reality is that e-cigarettes are leaving young teens addicted, depressed, and anxious.

When adolescents and young adults use nicotine products it harms the parts of the brain that control attention, learning, mood, and impulse control. Nothing good can come from e-cigarettes being accessible to the youth in our communities. It is time we treat e-cigarettes like all other tobacco products.

Date: February 8, 2022

To: Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health

To: Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

Re: Strong support for SB2278 Relating to Tobacco Products

It is imperative that e-cigarettes are regulated the same as other tobacco products since they contain the same amount of nicotine (if not more) that make it harder for students to quit. In my middle school, there used to be a widespread vaping issue among classmates. Many students were caught using e-cigarettes on several occasions including the class president at the time. In fact, most students looked up to the popular people in school and saw vaping as a status symbol. It is this type of pressure that continues the cycle in my school.

For years, tobacco companies have marketed e-cigarettes and shifted the youth perception to support these dangerous products. Please help the students in my school as well as all students across the island by regulating e-cigarettes like all other tobacco products!

Sincerely,  
Noah Chang  
Honolulu, HI

Date: February 8, 2022

To: Chair Sen. Keohokalole, Vice Chair Sen. Baker and members on the Committee on Health

To: Chair Sen. Baker, Vice Chair Sen. Chang and members on the Committee on Commerce and Consumer Protection

Re: Strong Support for SB2278

Aloha mai kākou. My name is Joshua Ching and I strongly support passage of SB2278.

For most of my time throughout high school, I've been surrounded by the effects of the tobacco industry's targeting of students. From puffs of smoke clouding bathroom stalls to my classmates sneaking an inhale from their vape during class, it's a trend that I've seen often, and that has honestly become normalized in my day-to-day. That, above all else, should be the scariest thing — that for many high school students, the prevalence of a new and booming facet of the tobacco industry is just another thing in their everyday.

It didn't start to truly sink in, however, until a few of my closest friends began using e-cigarette products. Most of them were willing to spend upwards of \$30 for an elf bar or a dab pen — money that came out of their own pockets. When I talked to one of them, asking why they chose to vape, they told me that it helps them deal with their anxiety and body dysmorphia, since nicotine suppresses a user's appetite. As I inquired more, they told me that it was the sweet, candy-like flavors that kept them hooked — alongside the many TV shows and other forms of media that glamorized its use in their eyes. It was painful to see the people I cared about most get taken advantage of by the tobacco industry — an industry that weaponized the anxieties of a teenager by specifically marketing to them.

This story, however, isn't unique to just me — it's one that rings true for so many kids across Hawai'i. It comes as no surprise, then, that Hawai'i has one of the highest rates of middle school and high school vaping rates across the nation. Targeted marketing, whether through the use of flavors, ads, or media glorification, is driving up use rates among youth, and won't stop unless we do something about it — and with 21,000 youth slated to die over the next 50 years if use rates don't decline, it's one that we need to take action on now.

Native Hawaiians, moreover, are disproportionately affected by the tobacco industry's targeting, especially when it comes to tobacco. This is of particular importance to me, as a Native Hawaiian who recognizes the history of corporate exploitation, public health disparities, and intergenerational poverty that has affected my lāhui generation after generation. Especially when it comes to menthol, which is primarily used by marginalized communities like Native Hawaiians, it's imperative that we end its sale to push for social equity.

We are facing a public health crisis of massive proportions. It's time, now more than ever, to prioritize the health and safety of my generation over boosting the coffers of an industry that profits off of addiction.

Date: February 8, 2022

To: Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health AND Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

Aloha,

The availability of tobacco products negatively impacts youth because it allows them to have easy access to these harmful products, which can have major consequences down the road.

I have seen many of my peers and friends try and become addicted to e-cigarettes. One of my best friends is addicted to e-cigarettes, and I can see the way it is affecting her life. I have tried talking to her about it, educating her, and even showing her all the harmful things nicotine has done to people, but it hasn't worked. The issue with many youth is that they know all the harmful things that nicotine can cause, and yet they don't truly believe it will happen to them. This is why e-cigarettes should not be available to youth, so that it can't harm them in this way.

E-cigarettes can be just as harmful as other tobacco products, and are an increasing problem among today's youth. These products target youth and cause lifelong health issues that young people are not aware of. Regulating e-cigarette products will help stop a new generation from going down this dangerous path.

Celia Chang

Honolulu

Chair Sen. Keohokalole, Vice Chair Sen. Baker and Senators on the Committee on Health;  
Chair Sen. Baker, Vice Chair Sen. Chang and Senators on the Committee on Commerce and  
Consumer Protection

My name is Chanel and I am writing in strong support of SB2278.

The availability of tobacco products negatively impacts youth and other targeted groups in that they cause lifelong addiction due to the nicotine (and flavors in most cases). In particular, e-cigarettes are hooking in too much of our youth in the state. Besides being addictive, these e-cigarette products also stigmatize and take advantage of our native culture to sell certain flavors like Mauna Dew and Hawaiian POG.

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

I ask that you support SB2278 and help protect our keiki.

Chanel Matsumoto  
Ewa Beach

Chair Sen. Keohokalole, Vice Chair Sen. Baker and Senators on the Committee on Health

Chair Sen. Baker, Vice Chair Sen. Chang and Senators on the Committee on Commerce and Consumer Protection

Re: Strong Support for SB2278

My name is DeAngelo Joshua and I urge you to support SB2278. I come from a family with a history of substance abuse and I would hate to see my little nieces and nephews get affected by the same fate. Currently, the availability of e-cigarette products is ridiculous and impacts all youth across the state.

Some people believe that e-cigarettes are “healthier” to use. However, they are just as bad, and even worse in some cases. The list of chemicals contained in e-cigarettes are concerningly long, with some mixtures/flavors having nicotine concentrations higher than combustible cigarettes, making them even more addictive. It is way past due to treat e-cigarettes like all other tobacco products that put our health at risk.

For the sake of our youth, now and in the future, please pass SB2278.

DeAngelo Joshua Ola  
Kauai

Date: February 8, 2022

To: Chair Sen. Keohokalole, Vice Chair Sen. Baker and members on the Committee on Health

To: Chair Sen. Baker, Vice Chair Sen. Chang and members on the Committee on Commerce and Consumer Protection

Re: Strong Support for SB2278

My name is Kylie Sasaki and I strongly support passage of SB2278.

Everyone knows that e-cigarettes are bad for you. Like other tobacco products, countless dangerous chemicals and carcinogens are present in e-cigarettes (and in even higher concentrations for some e-liquids). At my school, I have noticed many kids using it to be “cool”.

Unless action is taken to reverse this course, we will just be sitting around and watching a whole generation of youth become addicted again to nicotine, reversing the important work done just a few decades ago.

Please support SB2278!

Kylie Sasaki  
Lihue



Dear Chair Keohokalole, Vice Chair Baker and members on the Committee on Health  
AND Chair Baker, Vice Chair Chang and members on the Committee on Commerce  
and Consumer Protection

My name is Caleb and I am writing in strong support of SB2278.

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

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

Again, I ask you to please support SB2278.

Caleb Plowman  
Lihue

Date: February 8, 2022

To: Chair Keohokalole, Vice Chair Baker and Senators on the Committee on Health

To: Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

Re: Strong support for SB2278

Dear Senators,

My name is Nigel and I would like to share why I support SB2278.

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

E-cigarettes are getting so many students addicted and creating a new generation where nicotine is normalized. Unless action is taken now, the devastating outcomes that we know go along with tobacco use may be irreversible. It is important that we address e-cigarettes right now and pass this important piece of legislation.

Nigel Agcaoili  
Kauai

Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the Senate Committee on Health

Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

Aloha my name is Kaidyn Yago and I am a sophomore at Kauai High School. I support SB 2278. Many of my fellow peers and friends have tried flavored e-cigarettes already in their life. I have even been offered them but have never tried. It has become a constant problem for teens and students in my school.

Please pass SB 2278 to help protect us.

Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of  
the Senate Committee on Health  
Chair Baker, Vice Chair Chang and Senators on the Committee on  
Commerce and Consumer Protection

I support SB 2278 and believe we need to regulate e-cigarettes like other tobacco products because they are just as bad as other tobacco products, being highly addictive and bad for your health.

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

This has had a big impact in my community with classmates of mine as young as 11 who are using e-cigarettes they got online.

Please put an end to this and regulate e-cigarettes the same as other tobacco products.

Neva Leung

To: Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the Senate Committee on Health and  
Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

Support for SB2278

E-cigarettes should be regulated the same as other tobacco products because they have dangerous chemicals that can be inhaled. They are also as addictive as other tobacco products.

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

Youth are the victims of the marketing scams that e-cig companies put out. They are just caught in the act and these companies are putting out more flavors to make more money. The health and well-being of the youth are not being considered. Please support SB2278.

Jeanine Longboy

To: Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the Senate Committee on Health & Chair Baker, Vice Chair Chang and Senators on the Committee on Commerce and Consumer Protection

I support SB2278 because kids are getting more and more addicted to tobacco products because of the lack of regulations.

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

The ease of purchasing e-cigarettes online means anyone can buy it and anyone can use it. Please help protect Hawaii's keiki.

Savannah Hubbard

Date: February 8, 2022

To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker,  
Vice Chair and members of the Senate Committee on Health

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

RE: Support SB 2278

My name is Marissa Matsushige. We need to regulate e-cigarettes and other tobacco products to save the lives of those that are affected by this.

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

In my community a lot of people are affected by this and they could potentially be harshly affected by the health risks. Again, as it's easily accessible, it makes it a lot easier to get addicted.

Penalties should not be held against the youth as they have no control over the accessibility of these products. Adults and the companies that make and sell these products should be, as they have more experience and common sense should be held accountable for their actions which negatively affect the youth.

To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

AND

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

I support SB 2278 because I believe that we need to regulate e-cigarettes the same as other tobacco products, these products are just as addictive, if not more than traditional tobacco products. They are currently also readily available online for youth, allowing them easier access to these products.

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

Youth should not be penalized for being taken advantage of at young ages. Tobacco and e-liquid companies are specifically targeting them, knowing they will fall for the traps they set. These companies are the ones who need to be punished for hooking our keiki, all to make a profit.

Thank you for the opportunity to submit testimony.

Eden Thompson



February 8, 2022

Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

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

Support for SB2278

E-cigarettes must be regulated to prevent younger groups from obtaining and using these products illegally and irresponsibly. Easy access to e-cigarettes online increases the likelihood for younger audiences to purchase such products.

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

Please protect our youth and regulate e-cigarettes the same as other tobacco products

Aron Taguiam

Chair Sen. Keohokalole, Vice Chair Sen. Baker and members of the  
Senate Committee on Health

&

Chair Sen. Baker, Vice Chair Sen. Chang, and members of the Senate  
Committee on Commerce and Consumer Protection

I am writing in support of SB 2278

Youth are more likely to fall victim to e-cigarettes than other tobacco products because of their flavors and easy access. Vaping is a problem at my school, and bathrooms are almost always filled with vapor. Second hand smoke is a problem to me and many other students. Bathrooms are hardly usable during breaks.

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

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

Tanner Hubbard  
Kauai

Dear Chair Keohokalole, Vice Chair Baker and members on the Committee on Health and Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

I am writing to ask for your support for SB2278.

My name is Kirra Carvalho. I believe we need to regulate e-cigarettes the same as other tobacco products because they have the same negative effect on our bodies.

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

The easy access to purchase these products online affects our community because more of the youth are able to purchase them.

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

February 8, 2022

Chair Keohokalole, Vice Chair Baker and members on the Committee on Health

Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

I support bill SB2278

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

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

Maddison Hubbard

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

### **Support for SB 2278**

Students and my peers should not be addicted to tobacco products this young when they still have so much rest of their life to live and tobacco products could overtake that life. E-cigs are just as harmful and addictive as other tobacco products and should be controlled in the same way.

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

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

Leia Mokiao-Higashi  
Lihue

Chair Keohokalole, Vice Chair Baker and members on the Committee on Health

Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

Please support SB2278

Among the many issues of e-cigarettes and other flavored tobacco products, there is one that sticks out: The availability of these products and how it can have a long-lasting impact on youth.

Unlike other tobacco products, a license isn't required to sell e-cigarettes and almost anyone is eligible to sell these products. This allows youth to get their hands on e-cigarettes, which research has shown to have lasting effects on adolescent brain development, reduces athletic performance, and reduces lung growth. E-cigarettes have the same health concerns as tobacco products and they are as big an issue if not more so than other tobacco products with youth.

The deaths and hospitalization of children who consume e-cigarettes has increased and as long as there is cheap and easy access to e-cigarettes, it will only grow. Please regulate e-cigarettes the same way other tobacco products are.

Jacob Trujillo

Feb. 8. 2022

To: Chair Keohokalole, Vice Chair Baker and members on the Committee on Health

To: Chair Baker, Vice Chair Chang and members of the Senate Committee on Commerce and Consumer Protection

RE: Support SB 2278

We need to regulate e-cigarettes the same as other tobacco products because e-cigarette companies are advertising that they are "healthier, more efficient," and more, the amount of chemicals and health concerns are equivalent, if not more, than that of other tobacco products.

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

I can tell that the ease of access has created a boom in the amount of people who use e-cigarettes. I see people walking down the street in possession of one, and I've seen several people easily buying them on their cell phones. Taxing e-cigarettes like other tobacco products and closing the online loophole will help reduce the number of people becoming addicted. E-cigarettes should be more regulated.

Kiele Casillas

Kalaheo

Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

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

Please support SB 2278. I believe that we need to regulate e-cigs the same as other tobacco products because they are proven to be just as dangerous for youth.

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

The relatively easy access to e-cigarette purchases online and the low cost have impacted my community because it is now common to see my peers vaping or having an e-cig.

I think that it is important to protect the youth from harmful substances/products, because youths still have a lot ahead of them. Please support SB2278, Hawaii's keiki are depending on you.

Mikayla Lumabao



Aloha, Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health and Senator Rosalyn H. Baker,, Chair, Senator Stanley Chang, Vice Chair and members of the Senate Committee on Commerce and Consumer Protection

I am writing in support of SB2278. E-cigarettes should be regulated just as much as regular tobacco because it has equal/worse effects. E-cigarettes ,when heated up, can release small pieces of toxic metal which people breathe in. Along with metal, people breathe in unknown chemicals and toxins while vaping.

I've seen many of my own friends become addicted to e-cigarettes because of the flavors and advertisements targeted towards kids. When I walk into the bathroom at school, it is very normal to see a group of people passing around an e-cigarette in the stalls because they're addicted. If more restrictions were put in place, students would have a harder time accessing these products which could lead to a lower rate of addiction.

Youth penalties should not be included in regulation bills because in most instances, using e-cigarettes is a form of peer/social pressure that students give into. The kids giving into peer pressure to seem "cool" form an addiction to these nicotine products. Instead of punishing kids for giving into these pressures, regulations for sellers/companies and programs to help kids with their addictions should be established.

Thank you for the opportunity to provide my testimony.

Kailee Oyama  
Lawai

Dear Chair Keohokalole, Vice Chair Baker and members on the Committee on Health;

Chair Baker, Vice Chair Chang and members on the Committee on Commerce and Consumer Protection

I am writing to ask for your support for SB2278.

Many youth don't know the extent to which e-cigarettes are dangerous. Due to how tobacco companies and tobacco sellers in Hawaii market e-cigarettes, many believe it is just harmless air. Some youth also don't understand how addictive nicotine is; once you vape enough, you'll be addicted. There is no difference between vapes and other tobacco products. In fact, some vapes are even more dangerous and addictive because they contain higher nicotine concentrations than combustible cigarettes. E-cigarettes need to stop being given a free pass and regulated the same as other tobacco products!

I actually avoid using the school bathroom during our recesses because I can smell the vape in the air. The impact of e-cigarettes not only affects the youth who are targeted into smoking, but also the students who choose not to vape.

Please support SB2278.

Laurn Hashimoto

**SB-2278**

Submitted on: 2/9/2022 1:52:47 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin Tucker	Individual	Support	No

Comments:

Aloha members of the Senate Committee on Health and Commerce and Consumer Protection,

My name is Austin Tucker and I am a junior at McKinley High School. I definitely support SB 2278. You should know that one of the ways my friends and I get our vapes is online. It's easy. Passing this bill would make it harder for many kids like us to get it.

Please pass this bill.

Thank you.

**SB-2278**

Submitted on: 2/9/2022 6:27:08 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sally Ancheta	Individual	Support	No

## Comments:

Aloha Senator Keohokalole, Senator Baker and distinguished Members of the Health Committee and the Commerce & Consumer Protection Committee,

As a public health advocate, I strongly support the regulations of all e-cigarette products which are easily purchased by youth across the state. From local tobacco and vape shops that don't card youth to online sales, youth are still able to purchase these products easily.

*In Hawai'i*, one in three high school students and one in five middle school students report "current use" of e-cigarettes (2019 YRBS). E-cigarettes are now the most popular tobacco product among youth – and that's largely because it's not subject to many of the regulations other tobacco products are subject to. By implementing the same policies and regulations Hawai'i used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

- Taxing tobacco products and cigarettes is a proven strategy to reduce youth initiation and encourage those who smoke or use tobacco products to quit.
- E-cigarettes are the only tobacco products without a tax.
- No tobacco taxes are currently allocated for tobacco prevention and control programs, which complement and strengthen the effect of tobacco policies in reducing smoking rates.
- Creates parity between e-cigarettes and other tobacco products by:
  - Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
  - Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
  - Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. Licensed tobacco retailers would still be able to receive shipments of products.

Mahalo for supporting this much overdue action, let's end the easy access to these products to end the youth vaping epidemic!

**SB-2278**

Submitted on: 2/9/2022 6:41:46 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shani Gacayan	Individual	Support	No

## Comments:

I, Shani Gacayan strongly support this bill as we have many across Hawaii island and state who are addicted to vaping products and by imposing taxes on these devices we are able to use some of those funds to educate our younger generations from using them as well as getting help for our youth and teens that are already addicted.

Also by requiring retail vape shops to be permitted to sell these products will help to enforce the safety of the various devices and e-juices sold for these retailers to be accountable for the harm it brings to those who use them.

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

FROM: Kaena Keao

Hearing date: Thursday, February 10, 2022

RE: **SB 2278 – RELATING TO TOBACCO PRODUCTS**

I am writing to express my strong support of SB 621. This bill will allow for greater ability to regulate the use of e-cigarettes and help to mitigate the issue of youth smoking.

I write in support from a place of concern and understanding. I am currently a law student studying health law and policy and I was pushed into this field because I recognized a strong need for health improvement and a strong desire to facilitate that improvement. The driving force behind health outcomes is policy. When a product is not defined by law, it is able to avoid regulations and skirt responsibilities. Therefore, it is imperative that this bill be passed to create a comprehensive definition of e-cigarettes and legally classify it as a tobacco product, so that policies can be created to help mitigate some of the issues that we are seeing with the rise in e-cigarette use.

The FDA published a study showing that 43.6% of high school students and 17.2% of middle school students reported using e-cigarettes.<sup>1</sup> When I was in high school, the number of smokers hovered around 20%.<sup>2</sup> Since the introduction of e-cigarettes, that number has more than doubled. E-cigarettes, such as JUUL Pods, are attractive to teens because of flavors and easy-to-disguise designs.<sup>3</sup> Many teens are buying it directly from physical retailers or a social source (such as friends or family members).<sup>4</sup> Additionally, studies show that only 2.8% of adults were regular e-cigarette smokers.<sup>5</sup> However, 99% of adult smokers have tried smoking before age 18.

The data shows a staggering difference in adult versus teen use of e-cigarettes. It is attractive and very appealing to the younger generation. I see so many young teens smoking e-cigarettes almost everywhere I go. I have had friends who were highly against smoking cigarettes but began smoking e-cigarettes under the impression it was somehow safer than traditional cigarettes. My young cousin in high school came home with an e-cigarette in the form of a “mod” where the goal was to blow the biggest clouds possible. I have seen postings (pre-

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<sup>1</sup> FDA, Youth E-Cigarette Use Remains Serious Public Health Concern Amid COVID-19 Pandemic, FDA NEWS & EVENTS, (Sept. 30, 2021), <https://www.fda.gov/news-events/press-announcements/youth-e-cigarette-use-remains-serious-public-health-concern-amid-covid-19-pandemic>

<sup>2</sup> CDC, Cigarette Smoking Among U.S. High School Students at Lowest in 22 Years, CDC NEWSROOM, (June 11, 2014), <https://www.cdc.gov/media/releases/2014/p0612-YRBS.html>

<sup>3</sup> Truth Initiative, Where are kids getting JUUL? TRUTH RESEARCH AND RESOURCES, (May 28, 2018), <https://truthinitiative.org/research-resources/emerging-tobacco-products/where-are-kids-getting-juul>

<sup>4</sup> *Id.*

<sup>5</sup> Maria Villarroel, Amy Cha, and Anjel Vaharatian, Electronic Cigarette Use Among U.S. Adults, 2018, CDC, (April 30, 2020), <https://www.cdc.gov/nchs/products/databriefs/db365.htm>,

COVID) for “mod competitions” where people build these e-cigarettes to see who can create the biggest “clouds.” What this shows is just how non-existent regulations are when children are able to acquire it much easier than traditional cigarettes and anybody can create or modify their own e-cigarettes.

I urge lawmakers to take in these considerations when decided on passage of this bill. The harms posed by rising e-cigarette use is exacerbated by relaxed e-cigarette definitions and would be greatly mitigated by creating a comprehensive definition to allow regulation in a similar fashion as traditional cigarettes.

Thank you for the opportunity to testify on this matter.

Kaena Keao  
Pearl City, HI 96782

**SB-2278**

Submitted on: 2/9/2022 9:27:52 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maddalynn Sesepasara	Individual	Support	No

Comments:

Aloha,

We support this bill because it creates parity between e-cigarettes and other tobacco products by:

- Applying a tobacco tax to e-cigarettes at the same rate as other tobacco products (70% of the wholesale price) – a meaningful price increase that is needed to reduce e-cigarette use among youth.
- Requiring licensing and permitting for tobacco retailers and wholesalers to help implement and enforce current laws and regulations.
- Restricting online sales – requiring face-to-face purchases makes it harder for youth to obtain these products via the internet. License

Mahalo,

Maddalynn Sesepasara



**SB-2278**

Submitted on: 2/9/2022 9:34:18 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Crystal Robello	Individual	Support	No

Comments:

Aloha,

I am in support on SB2278 as I am a mother of two teenagers and a person who grew up around smokers. The restrictions and new acts proposed in this bill would help our smoking epidemic, especially with our youth. As a mother of teenagers, I see that there are so many students who smoke. They talk about it all the time and they talk about flavors and how it entices them. I also have a teenage younger sibling who is now addicted to smoking and vaping due to the easy access to these devices and flavors that hook youth. It is hard to see this directly impacting my family so I am in support of anything that will help prevent our future generation from smoking. Especially since it directly impacts the older generation as they are our future, and directly affects their health in the long run. Thank you for considering my testimony.

Mahalo,

Crystal

**SB-2278**

Submitted on: 2/9/2022 10:36:33 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathleen Koga	Individual	Support	No

## Comments:

I am in strong support of SB 2278 that proposes comprehensive regulations to address the youth vaping epidemic. As a public health educator, concerned Hawaii resident and grandparent of two young teenagers, I am alarmed by data that reveals Hawaii's teen vaping rates are among the highest in the nation. We urgently need policies that regulate e-cigarettes to protect public health and prevent youth from starting to use these harmful and addictive products. This important bill will tax e-cigarettes as tobacco products, require tobacco permits and licenses and restrict online sales of e-cigarettes, all significant actions that will deter our youth from obtaining these dangerous products. Please pass this important measure to reverse the youth vaping epidemic and protect our children from a lifetime of addiction to these deadly products. Thank you for your consideration and the opportunity to provide testimony in support of SB 2278.

**LATE**

**SB-2278**

Submitted on: 2/10/2022 12:02:23 AM

Testimony for HTH on 2/10/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann Chung	Individual	Comments	No

Comments:

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

Manufacturers seeking a PMTA must demonstrate that marketing a new tobacco product would be “appropriate for the protection of the public health” for the population as a whole. This includes evaluating the impact on both current tobacco product users and nonusers. Obtaining a PMTA marketing order means that a manufacturer is authorized to market and sell its product to consumers in the United States.

I hope you will consider an amendment to SB2278, to add into the definitions of “Electronic smoking device” and "Tobacco product" **does not include any product that is regulated by FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.**

Mahalo for your consideration.