

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

**Testimony in SUPPORT of H.B. 551
RELATING TO HEALTH**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR
HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Hearing Date: February 8, 2023

Room Number: Conference Room 309
& Videoconference

1 **Fiscal Implications:** The fiscal impact of a ban on flavored tobacco products in Hawaii would
2 result in modest reductions in Hawaii's tax revenues while at the same time leading to reductions
3 in chronic diseases and health care spending, including Medicaid spending in the state.

4 **Department Testimony:** The Department of Health (DOH) supports House Bill 551 (H.B. 551)
5 as both a health equity and social justice issue to protect the next generation from lifelong
6 addiction to tobacco use and offers technical amendments for clarity. H.B. 551 prohibits the sale
7 of flavored tobacco products and synthetic nicotine products (including menthol), prohibits the
8 mislabeling as nicotine-free any e-liquid products containing nicotine, appropriates general
9 funds, requires creation of administrative rules, and establishes three full-time positions to
10 administer enforcement/inspections related to this measure.

11 The absence of protective policies to act as a preventive buffer between the promotion of
12 enticing electronic smoking devices (ESDs), also known as e-cigarettes, and youth, contributed
13 to the ongoing rise in frequent use and unrestricted access to nicotine. Thirty-one percent of
14 Hawaii's high school and eighteen percent of Hawaii's middle school students reported using e-
15 cigarettes in the past 30 days with highest rates on the neighbor islands.^{1,2} The unrestricted

¹ HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, High Schools, State-level. http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html

² HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products—Use, past 30 days, Middle Schools, State-level. http://ibis.hhdw.org/ibisph-view/query/result/yrbs/VaporCurr/VaporCurr_MS_ST.html

1 promotion of e-cigarettes has addicted a new generation of young people to nicotine, increased
2 exposure to harmful substances and likelihood for smoking cigarettes in the future.³ According
3 to the Federal Trade Commission, the amount of nicotine in disposable ESDs popular with youth
4 and young adults went up 60% from 2015 to 2018 and that this raises serious public health and
5 safety concerns because of the long-term effects on their brain development.⁴ Comprehensive
6 evidence-based prevention policies are needed that restrict flavored tobacco products and
7 regulate e-cigarettes.

8 Alluring flavored tobacco products continue to drive the youth vaping epidemic. Nearly
9 85% of U.S. youth who currently use e-cigarettes use flavors.⁵ The most popular flavors
10 continue to be fruit, followed by candy/dessert/sweets, mint, and menthol.⁶ Among users of
11 cartridge or pod-based e-cigarettes, over half reported using either fruit (58.4%) or menthol
12 (53.9%), followed by candy/desserts/sweets (30.3%) and mint (27.6%).⁷

13 Menthol flavors are too often exempted from tobacco control policies.⁸ Menthol is an
14 organic compound that has cooling, analgesic, and irritative properties, which can change the
15 way the brain registers the sensations of taste and pain⁹ and when in cigarettes can make harmful
16 chemicals more easily absorbed in the body.¹⁰ Menthol also facilitates absorption by masking
17 the harshness of, and making it easier to inhale, cigarette smoke. The availability of menthol
18 cigarettes likely increases experimentation and progression to regular smoking and the

³ US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. pdf icon [PDF – 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.

⁴ Federal Trade Commission, Bureau of Consumer Protection. Federal Trade Commission E-Cigarette Report for 2015-2018. Issued 2022.

⁵ Cooper, M. (2022). Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR. Morbidity and Mortality Weekly Report*, 71. <https://doi.org/10.15585/mmwr.mm7140a3>

⁶ Cooper, M. (2022). Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR. Morbidity and Mortality Weekly Report*, 71. <https://doi.org/10.15585/mmwr.mm7140a3>

⁷ Cooper, M. (2022). Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR. Morbidity and Mortality Weekly Report*, 71. <https://doi.org/10.15585/mmwr.mm7140a3>

⁸ *The importance of strong local flavored tobacco policies.* (n.d.). Truth Initiative. Retrieved February 1, 2021, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored>

⁹ 45 U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

¹⁰ U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

1 availability of menthol increases the likelihood of addiction for youth smokers.^{11,12} Exempting
2 menthol perpetuates social injustice as menthol flavoring has been used by the tobacco industry
3 to appeal to youth, racial minorities, and marginalized populations. The tobacco industry has
4 targeted minority groups such as the lesbian, gay, bisexual and transgender (LGBT) community,
5 Asian Americans, Pacific Islanders, Native Hawaiians, and African Americans.^{13,14,15} Menthol
6 use is also high among those with behavioral health conditions and those who are
7 socioeconomically disadvantaged.^{16,17}

8 The DOH supports H.B. 551 as a measure to protect Hawaii's next generation from
9 lifelong addiction to tobacco use by prohibiting the sales, distribution, and mislabeling of all
10 flavored tobacco and synthetic nicotine products and stands ready to implement these measures.

11 Thank you for the opportunity to testify.

12 **Offered Amendments:** Section 2, page 9 lines 13 to 15, replace the existing text with the language
13 outlined below:

14 The cost of proper disposal of electronic smoking devices and e-liquids as hazardous waste
15 ~~pursuant to the rules~~ pursuant to Chapter 11-266.1, Hawaii Administrative Rules, shall be borne
16 by the retailer.

¹¹ 8 U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at: [https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco Products Scientific Advisory Committee/UCM269697.pdf](https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco%20Products%20Scientific%20Advisory%20Committee/UCM269697.pdf)

¹² U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: <http://purl.fdlp.gov/GPO/gpo39032>

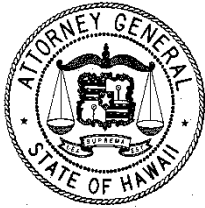
¹³ Washington, H. (2002). *Burning Love: Big Tobacco Takes Aim at LGBT Youths* | *AJPH* | Vol. 92 Issue 7. American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086>

¹⁴ Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. *Tobacco Control*, 11(3), 201–209. <https://doi.org/10.1136/tc.11.3.201>

¹⁵ Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. *Public Health Reports*, 122(5), 607–615.

¹⁶ National Survey on Drug Use and health, 2018

¹⁷ National Survey on Drug Use and health, 2018



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
H.B. NO. 551, RELATING TO HEALTH.

BEFORE THE:
HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

DATE: Wednesday, February 8, 2023 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Chelsea Okamoto, Deputy Attorney General

Chair Matayoshi and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill and offers the following comments.

Hawaii's youth has been disproportionately affected by the nationwide vaping epidemic, and approximately one in three high schoolers in Hawaii have used an e-cigarette in the last 30 days.¹ The United States Centers for Disease Control and Prevention estimates that among current youth e-cigarette users, 84.7 percent use flavored e-cigarettes.² This bill will prohibit retailers from selling flavored tobacco products, mislabeling e-liquid products as nicotine-free, and will establish fines of up to \$1,000 for each offense to be deposited to the credit of the general fund. This bill also authorizes the Department of Health to appoint, commission, or contract inspectors for services and establishes two full-time equivalent program specialist positions and one full-time equivalent hearing officer position. The Department supports the Department of Health's administrative enforcement of the ban on the sale and distribution of flavored tobacco products and efforts to prevent Hawaii's children from being targeted by and addicted to flavored tobacco products. We respectfully ask the Committee to pass this bill and thank you for this opportunity to testify.

¹ Youth Risk Behavior Survey, 2019. <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

² Park-Lee E, Ren C, Sawdey MD, et al. Notes from the Field: E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1387–1389. DOI: <http://dx.doi.org/10.15585/mmwr.mm7039a4external> icon.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/08/2023

Time: 09:30 AM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Labor & Government
Operations

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0551 RELATING TO HEALTH.

Purpose of Bill: Prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. Authorizes the department of health to appoint, commission, or contract for services of inspectors. Establishes two full-time equivalent program specialist position and one full-time equivalent hearing officer position. Appropriates funds. Effective 1/1/2024.

Department's Position:

The Hawaii State Department of Education (Department) supports HB 551, which would make it unlawful for a retailer to sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or mislabel as nicotine-free, or sell or market for sale as nicotine-free, any e-liquid product that contains nicotine.

The 2019 Hawaii Youth Risk Behavior Survey data indicate that 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawaii use electronic (e-)cigarettes. The Department is also aware of increasing concern by school principals that youth vaping rates are rising and the detrimental impact that this is having on school campuses.

The 2018 Surgeon General's Advisory on E-Cigarettes Use Among Youth confirmed that e-cigarettes are the most commonly used tobacco product among U.S. youth. Flavored tobacco products, including flavored e-cigarettes, are more appealing to young people. Most e-cigarettes contain nicotine and other ingredients, such as heavy metals,

volatile organic compounds, and ultra fine particles, that are harmful to health. Exposure to nicotine during periods of significant brain development, such as adolescence, can impact learning, memory, and attention, and increase the risk for addiction to other drugs. Vaping devices can also be used to deliver other drugs.

Developing policies to stem the vaping epidemic is critical to support the health of our students and their families.

The Department defers to the Department of Health as to their responsibilities stipulated by this measure.

Thank you for the opportunity to provide testimony in support of HB 0551.



‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Labor & Government Operations
Wednesday, February 8, 2023 at 9:30 a.m.

By

Thomas A. Wills, PhD, Professor
Pallav Pokhrel PhD, Co-Director
Population Sciences in the Pacific Program

And

Naoto T. Ueno MD, PhD, Director
University of Hawai'i Cancer Center

And

Michael Bruno, PhD, Provost
University of Hawai'i at Mānoa

HB 551 – RELATING TO HEALTH

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

The University of Hawai'i Cancer Center strongly supports HB 551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

We support this bill because of findings from our research on Hawai'i adolescents and young adults conducted over the past 6 years. Recent studies have shown that use of electronic smoking devices is quite prevalent among Hawai'i high school and college students. Even at younger ages, the prevalence among middle school students is over 20% of the school population.

Our research has shown that e-cigarette use is linked to several adverse outcomes. Notably, using e-cigarettes is related to initiation of cigarette smoking among previous nonsmokers, hence is contributing to undesirable outcomes. These findings from Hawai'i have been reported in national and international scientific journals. Moreover, our research has shown that e-cigarette use is related to a higher likelihood of respiratory disease (asthma and COPD) among Hawai'i adolescents and young adults. These findings have been confirmed in a number of independent studies conducted in Asia, Europe, and the US mainland. Thus, there is now evidence that e-cigarette use may be linked to adverse health consequences as well as adverse behavioral consequences such as smoking initiation.

HB 551 is important because flavors in tobacco products attract young people to becoming e-cigarette users, who then become addicted to nicotine. Research has shown that the majority of youth e-cigarette users (as many as 80% in some studies)

use a flavored tobacco product. Mint, menthol, and fruit-flavored e-cigarettes are some of the most popular flavors with youth. Our research in Hawai'i shows that higher preference for sweet and mint/menthol flavors among young people is associated with increased addiction to e-cigarettes and decreased likelihood of quitting e-cigarette use. The tobacco companies aggressively market e-cigarettes to Hawai'i youth in television, radio, and point-of-sale advertising venues. Without regulation, e-cigarette manufacturers will continue to aggressively market their products to youth and young adults capitalizing on the appeal of popular flavorings to entice new users to tobacco product use.

Because of the adverse consequences that are known to be related to e-cigarette use, we urge the legislature to regulate the sale of flavored tobacco products. Ending the sale of flavored tobacco products will protect our young people and improve the health of the larger Hawai'i population.

Regulating the sale of flavored tobacco products will also promote health equity, because menthol flavors are disproportionately used by Native Hawaiians and Pacific Islanders, who will then suffer disproportionately from the adverse health consequences of use.

We strongly support HB 551 and ask you to pass this out of committee.



Date: February 8, 2023

Time: 9:30 am

Place: Via Videoconference/Conference Room 309

COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Testimony in SUPPORT of HB 551, Relating to Health: Prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

To: Representative Scot Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPCC), which is a non-profit agency with a mission to decrease childhood injuries. KIPCC **SUPPORTS** of HB551, Relating to Tobacco Products, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

Tobacco flavors lure young people, while nicotine keeps them addicted for life. In 2020, 8 out of 10 young people who use e-cigarettes said they used a flavored product, up from 7 out of 10 in 2019. (National Youth Tobacco Survey). Stopping the sale of flavored tobacco products will limit their attractiveness and safeguard our children from a lifetime of addiction.

Menthol is just as dangerous as any other tobacco flavor, if not more so. Menthol is known for masking the harshness of tobacco, making it easier to start and harder to quit. We must include menthol if we want to safeguard our keiki and minimize the burden of tobacco in our communities.

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

We support of HB551, which will ban flavored tobacco products in the best interests of our local kids. If the goods lose their attractiveness, become more difficult to obtain, and our children are better educated about the health concerns of using these products, we may be able to mitigate the harm produced by the tobacco and vaping companies.

Mahalo,

Lisa Dau, RN
Injury Prevention Coordinator
Keiki Injury Prevention Coalition



HB551 Ban Flavored E-Cigarettes COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Rep. Scot Z. Matayoshi, Chair

Rep. Andrew Takuya Garrett, Vice Chair

Wed, Feb 8, 2023, 9:30 : Room 309 Videoconference

HSAC Supports HB551:

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

HSAC notes that the intent is to protect our youth from the health dangers of a lifelong addiction caused by Hawaii's vaping epidemic of electronic smoking devices and e-liquids by using proven policies to restrict the use of strategies to attract youth use.

Reasons to Restrict Youth Use

What about the Vaping Epidemic?

- Vaping increased 900% among high school students from 2011 to 2015.¹
- The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report.
- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019².
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

Dangers of E-cigarettes are Documented:

- The Surgeon General's report details the harmful effects of e-cigarettes.


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

² CDC Centers for Disease Control and Prevention: National Youth Tobacco Survey: https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm

- Advocates hears the call from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping patients safe from tobacco products.³
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children’s brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.

A Comment about Menthol

- Moreover, Menthol is just as, if not more harmful than, any other flavored tobacco.
- Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.
- If we want to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.



Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color.

Summary

Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

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

³ Surgeon General’s Advisory on E-cigarettes Use Among Youth: <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

HB-551

Submitted on: 2/3/2023 9:09:39 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keenan Reader	Maui Preparatory Academy	Support	Written Testimony Only

Comments:

To Whom it May Concern:

As a school community that strives to support children's physical and mental health, Maui Preparatory Academy supports the ban on flavored tobacco products. Sadly, we directly see the results of their harmful marketing to children. We have found several flavored vape products on our campus, and students report many of their peers vape. Therefore, we support the ban on flavored tobacco because:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.

Sincerely,

Keenan Reader

Director of College Counselor and Health Teacher

Date: February 8, 2023

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

From: Members of the University of Hawaii Student Health Advisory Council

Re: Support for HB551, Relating to the Youth Vaping Epidemic

Hearing: Wednesday, February 8 at 9:30AM Via Videoconference

Thank you for the opportunity to submit testimony in SUPPORT of HB 551 which would prohibit the sale and distribution of flavored tobacco products including menthol.

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

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

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Menthol should also be banned as it masks the harmfulness of tobacco and is one of the very popular flavors among youth. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes. Banning the sale of flavored and menthol tobacco products will help with the health issues disproportionately affecting those in lower socioeconomic status and people of color.

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

Mahalo,

Student Health Advisory Council

HB-551

Submitted on: 2/3/2023 4:43:03 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donita Garcia	Individual	Support	Written Testimony Only

Comments: To: Committee on Labor and Government Relations Hearing Date/Time: Wednesday, February 3, 2023 Re: Testimony in Support of HB551 From: Heather Lusk, Hawaii Health and Harm Reduction Center Dear Chair Matayoshi, Vice Chair Garrett and Members of the Committee: The Hawaii Health & Harm Reduction Center (HHHRC) supports HB 1551 which would prohibit the sale of flavored tobacco products. HHHRC’s mission is to reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBQ and the Native Hawaiian communities. HHHRC’s Hawaii’s Last Drag smoking cessation program has gotten awards for its creative efforts reducing smoking-related harm by focusing on the smoking in the LGBT community and for those in residential substance use treatment facilities – both of which have disproportionately high rates of smoking. While vaping may be a harm reduction method for adults who smoke, the high rates of vaping amongst Hawaii youth is startling and is linked to the flavors of the vaping product. We strongly believe that this bill will curb young people initiating vaping. Thank you for the opportunity to testify. Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

The Thirty-Second Legislature, State of Hawai'i
Hawai'i State House
Committee Labor & Government Operations

Testimony by
Hawaii Nurses Association
February 8, 2023

HB551 – Prohibition; Sale; Flavored Tobacco Products

The Hawaii Nurses Association -OPEIU Local 50 is affiliated with the AFL-CIO and was founded in 1917 and represents 4,000 nurses in the State of Hawaii. We are grateful to testify in **STRONG SUPPORT** of HB551.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).

Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.

In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

Thank you for your consideration and we urge you to vote in **support** of HB551.

Respectfully,



Daniel Ross
President



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

John Bickel, President
Alan Burdick, Vice President
Dave Nagajji, Treasurer
Doug Pyle, Secretary

DIRECTORS

Melodie Aduja
Keola Akana
Juliet Begley
Stephanie Fitzpatrick
Jan Lubin
Shannon Matson
Jenny Nomura
Stephen O'Harrow

MAILING ADDRESS

P.O. Box 23404
Honolulu
Hawaii 96823

February 3, 2023

TO: Chair Matayoshi and Members of the LGO Committee

RE: HB 551 Relating to Health

Support for Hearing on Feb. 8

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support this bill as it would prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. It also authorizes the Department of Health to administer. Flavored tobacco products have become a way to get minors addicted to tobacco. This is a scourge on the health of our community.

Sincerely,

John Bickel, President



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: Representative Matayoshi, Chair
Representative Garrett, Vice Chair
House Committee on Labor & Government Operations

Re: HB551, relating to health
9:30 a.m., Feb. 8, 2023

Aloha Chair Matayoshi, Vice Chair Garrett and committee members:

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to **testify in STRONG SUPPORT of House Bill 551, relating to health.**

We cannot let the epidemic that is youth vaping continue any longer. **One in three high school students and one in five middle school students report "current use" of e-cigarettes.** This time frame for a youth is critical for brain development, and e-cigarettes can negatively impact it. Nicotine use in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control.

In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. **Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.**

HB551 is a necessary step that cannot wait any longer. We must end the sale of flavored tobacco and the mislabeling of e-liquids as nicotine-free. **Please advance this essential measure.**

Mahalo,

Ke'ōpū Reelitz
Director of Early Learning and Health Policy

Opportunity Youth Action Hawai'i

February 08, 2023

House Committee on Labor & Government Operations

Hearing Time: 09:30 a.m.
Location: State Capitol
Re: HB 551, Relating to Health

Aloha e Chair Matayoshi, and members of the Committee:

We are writing in **strong support of** HB 551, Relating to Health.

This bill will prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free; authorize the department of health to appoint, commission, or contract for services of inspectors; establish two full-time equivalent program specialist positions and one full-time equivalent hearing officer position; and appropriate funds.

Research conducted by the Center for Disease Control (CDC) shows that flavored tobacco products are widely considered as “starter” products, and people who use them are more likely to become addicted than someone trying non-flavored tobacco products for the first time. The usually sweet flavoring masks the harshness of the tobacco, which makes them more addictive and harder to quit. According to the CDC, **flavored tobacco is more addictive than regular tobacco products.**

Furthermore, youth and young adults used flavored tobacco products more than any other age group. More than four out of five young adults ages 18 to 24 who have ever used tobacco reported that their first product was flavored (truth initiative). Flavored tobacco can be considered a gateway substance and should be regulated as such.

Opportunity Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please support HB 551.



TO: The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
House Committee on Labor and Government Operations

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

RE: **HB 551 – RELATING TO HEALTH
In Support**

DATE: Wednesday, February 8, 2023
9:30 a.m.; conference room 309 & videoconference

Aloha Chair Matayoshi, Vice Chair Garrett and Members of the Committee:

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

The Hawaii Association of Independent Schools (HAIS) strongly supports HB 551.

HAIS is a membership organization that currently represents as members 100 of Hawaii's independent and private K-12 schools; and, through its subsidiary, the Hawaii Council of Private Schools (HCPS), licenses all 114 private K-12 schools in the State.

Approximately 33,000 students attend Hawaii's independent, private and parochial schools and all of them – especially those students of middle school and high school age – are endangered by the current vaping epidemic plaguing Hawaii. Vaping not only endangers the health of students in the present, but likely also for the rest of their lives.

HAIS and its member schools support HB 551 because, in creating effective regulations for the sale of e-cigarettes and flavored tobacco products to persons under the age of 21, it will make vaping both less attractive and more difficult to pursue by elementary and secondary school students and help to protect the current and future generations of Hawaii's citizens.

Thank you for the opportunity to submit testimony in support.



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

February 5, 2023

Honorable Chair Representative Scott Matayoshi
Honorable Vice-Chair Representative Andrew Takuya
Members of the House Labor & Government Operations

RE: **Strong Support for HB551, Relating to Health (ban flavored nicotine)**

Dear Chair Matayoshi, Vice Chair Takuya, and members of the House Labor & Government Operations Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please strongly support and vote in favor of HB551**, which will ban the sale of flavored nicotine products and mislabeled e-liquid 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! Of these youth, 8 in 10 youth currently using e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

- Flavors in tobacco products entice youth, while the nicotine keeps them **hooked for life**. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.

- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- ***In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).***
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.

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

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

Menthol is at least as harmful as other tobacco and nicotine flavors. It is known for its ability to mask the harshness of tobacco and makes using nicotine easier to start and harder to quit. If our aim is to protect our vulnerable keiki and reduce the burden of tobacco in our communities, menthol MUST be included. Ending the sale of all flavored tobacco and nicotine will advance health equity—disparities in tobacco use are due to the tobacco industry's history of marketing menthol tobacco products to youth and people of color.

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.

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 pass HB551. 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



COMMITTEE ON LABOR, GOVERNMENT OPERATIONS

Rep. Scot Z. Matayoshi, Chair

Rep. Andrew Takuya Garrett, Vice Chair

Rep. Jeanne Kapela

Rep. Adrian K. Tam

Rep. Rose Martinez

Rep David Alcos III

Rep. Jackson D. Sayama

NOTICE OF HEARING

DATE: Wednesday, February 8, 2023

TIME: 9:30 am

PLACE: Conference Room 309

State Capitol

415 South Beretania Street

TESTIMONY IN SUPPORT OF HB 551
RELATING TO HEALTH

Honorable Chair Matayoshi, Vice Chair Garrett, and members of the committee:

Waimānalo Health Center supports House Bill 551 prohibiting the sale or distribution of all flavored tobacco products, including products with menthol, and prohibit the mislabeling of products as nicotine-free.

Waimānalo Health Center's (WHC) mission is rooted in Native Hawaiian values and devoted to improving the health and wellness of all people, regardless of ability to pay, by providing comprehensive primary and preventive health care services of the highest quality. WHC recognizes the increase in the use of electronic smoking devices among youth. As a healthcare and mentoring provider of youth in the Waimānalo community, and as a non-smoking facility, we strongly support HB 551.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.

- In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008).
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.

Thank you for the opportunity to provide testimony.



The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
House Committee on Labor and Government Operations

HOUSE BILL 551 RELATING TO HEALTH - OPPOSE

Wednesday, February 8, 2023 @ 9:30 AM
Conference Room 309 & Videoconference

Aloha Chair Matayoshi, Vice Chair Garrett and Members of the Committee,

Aloha Petroleum, Minit Stop, and Par Hawaii support strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we respectfully oppose HB 551 and its impact to consumers of legal age.

We take our role in enforcement seriously through tobacco control measures such as: checking IDs at the point of sale, posting legal age notices in retail stores, placing products in secure areas, and other compliance measures designed to close the on-ramp for youths.

While we understand the intent of the bill is to curb underage smoking, it is important to note that a vast majority of adult smokers purchase menthol products. As such, menthol specifically should be excluded from the definition of flavored tobacco product.

As early as January 31, 2023, Brian King, Director of FDA's Center for Tobacco Products announced that the **FDA is currently drafting the final rules and is committed to completing the rulemaking process in 2023¹**. We encourage the legislature to consider taking the lead from the FDA as they consider comprehensive and consistent rules governing tobacco products, and therefore request that the committee consider holding this measure.

Thank you for the opportunity to testify in opposition.

¹ By Brian King, Director of FDA's Center for Tobacco Products January 31, 2023
<https://www.fda.gov/tobacco-products/ctp-newsroom/looking-back-looking-ahead-fdas-progress-tobacco-product-regulation-2022>

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Labor & Government Operations
The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair

February 8, 2023
9:30 a.m.
Conference Room 309 and Via Videoconference

Re: HB 551, Relating to Health

Chair Matayoshi, Vice Chair Garrett, and committee members, thank you for this opportunity to provide testimony on HB 551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

Kaiser Permanente Hawai'i STRONGLY SUPPORTS HB 551.

Kaiser Permanente Hawai'i is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 269,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 20+ medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Youth in Hawai'i experience tobacco-related harm at alarming rates. Approximately 130 youth in Hawai'i under the age of 18 become new daily smokers each year, and unless smoking rates decline, an estimated 21,000 Hawai'i youth under 18 who are alive today will die prematurely from smoking-related disease. In 2019, approximately 48% of high school students and 31% of middle school students in Hawai'i reported having used electronic tobacco products at least once. In the same year, more than a quarter (30.6%) of high school students and 17.7% of middle school students in Hawai'i reported current use of electronic tobacco products. In 2019, approximately one in five (17.8%) high school students in Hawai'i reported ever smoking cigarettes and 5.3% reported current cigarette use. A 2015 survey also found that an estimated 41,000 high school students in Hawai'i smoked their first cigarette before the age of 13.

The COVID-19 pandemic makes these reforms even more critical. An emerging body of evidence suggests that smokers may be more vulnerable to COVID-19 complications.

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. As such, **Kaiser Permanente Hawai'i supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.**

Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens. There are many risks of vaping for teens and young adults, including:

- Inhaled nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products;
- Known short-term health effects and unknown long-term effects; and
- Flavoring and other ingredients may be toxic, and vaping still has negative second-hand smoke effects.

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe HB 551 is a significant step in restricting access to these dangerous products. This legislation is a positive step toward preventing another generation of young people from living with a lifetime of addiction.

We ask the committee to PASS HB 551. Mahalo for the opportunity to testify on this important measure.

Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Committee on Labor and Government Operations

Wednesday, February 6, 2022, 9:30 AM
Room 309

Testimony in Support of House Bill 551 Relating to Health

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

The American Lung Association calls on Hawai‘i officials to support HB 551 and restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawai‘i’s and the nation’s leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

It is imperative that the bill restricts all flavors of tobacco, with no exceptions, including menthol for the following reasons:

- 1. Menthol keeps the most vulnerable addicted.** Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage¹. Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco.** In a letter to the Food and Drug Administration dated January 22, 2021, the Hawai‘i State Attorney General stated that menthol tobacco products “remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market.”
- 3. Menthol is preferred by young people because it masks harsh flavors of tobacco.** Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine².

¹ Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. *Nicotine Tob Res.* 2018;20(6):698–706.

² Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O’Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA.* 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

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

The American Lung Association in Hawai‘i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of House Bill 551.



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

³ American Lung Association. *State of Tobacco Control – Hawai‘i*. 2020



HIPHI Board

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State of Hawai'i, Deputy Public
Defender

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 Collective

Date: February 5, 2023

To: Representative Scot Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair
Members of the Committee on Labor & Government Operations

Re: Support HB 551 Relating to Electronic Smoking Devices

Hrg: Wednesday, February 8, 2023, at 9:30 AM, Conf Rm 309

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ is in **Strong Support of HB 551**, which would end the sale of all menthol and flavored tobacco products in the state and prohibit mislabeling of e-liquid products containing nicotine.

Tobacco use remains a serious threat to public health. Each year, Hawai'i spends \$611 million in health care costs and \$152.3 million in Medicaid costs due to smoking. Menthol has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes a popular starter product.

81% of Hawai'i youth started with a flavored product,ⁱⁱ and by regulating all menthol and other flavored tobacco products, the state can prioritize the health and safety of our communities. A report by the US Food and Drug Administration, issued in 2013, found that menthol cigarettes led to increased smoking initiation among youth and young adults, more significant addiction, and decreased success in quitting smoking. Candy, sweet, and menthol flavored tobacco attracts youth and makes nicotine tolerable. Unregulated menthol and flavored tobacco products severely threaten Hawai'i's established tobacco control policies and do not protect our children.

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

- A 2021 analysisⁱⁱⁱ tobacco products in Hawai'i conservatively estimates that it would result in:
- At least \$48 million in long-term health care cost savings for the state.
- More than 3,000 smokers (5.6% of menthol smokers) would quit due to the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

Thousands of youth will never start smoking because of this policy, thousands of lives will be saved, and the state will save hundreds of millions in healthcare costs.

E-cigarette use among youth and young adults has become a public health concern.

In 2019, 1 in 3 (30.6%) public high school students and more than 1 in 6 (18%) public middle school students in Hawai'i reported that they are regularly vapingⁱⁱⁱ Hawai'i has the third-highest high school e-cigarette rate in the Country. Because Electronic Smoking Devices (ESDs) remain unregulated, e-cigarette 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.

Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion in healthcare costs^{iv} lowered the adult smoking rate to 11.6% (eighth lowest in the nation)^v, and reduced smoking prevalence among high school students to 5.3% in 2019^{vi}. These positive steps were achieved with comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

Unfortunately, e-cigarettes have evaded the laws to which other tobacco products are subject. The lack of a comprehensive approach has led to the rise of e-cigarette use, 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^{vii}. The state can reverse the youth vaping epidemic by implementing comprehensive policies and programs, *including ending the sale of flavored tobacco products statewide.*

Flavored products are driving youth use.

Flavors in tobacco products entice youth, and nicotine keeps them addicted. In 2020, 8 in 10 youth who use e-cigarettes reported using a flavored product. Of youth e-cigarette users, 85% use flavored products, and fruit, candy/desserts/other sweets, *mint, and menthol* are reported as the most popular flavors^{viii}. Ending the sale of **all** flavored tobacco products will reduce their appeal and protect our children from a lifetime of addiction.

Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling properties mask the harshness of tobacco. It is marketed to youth and vulnerable groups. Menthol is one of the most popular flavors of youth in Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes^{ix}.

Kids have shifted dramatically to disposable and menthol e-cigarettes, two categories of products left on the market under current federal restrictions. These shifts show that the only way to end this crisis is to eliminate **all** flavored e-cigarettes^x.

Hawai'i voters want restrictions.

In a poll^{xi} of registered voters, conducted by Ward Research Inc., in December 2022, 75% of respondents said that school aged children vaping or using e-cigarettes is a major problem; 76% support a law prohibiting all flavors, including menthol, of tobacco products, and e-cigarettes; furthermore, 95% believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens and families.

Comprehensive Regulation

Ending the sale of all flavored tobacco products is part of a comprehensive approach to regulating tobacco products. Passing and implementing this policy AND policies that will create tax parity, licensing and permitting, and addressing the unlawful shipment of tobacco products is how we can address this public health crisis and protect the next generation from a life-long addiction to nicotine.

Passing HB 551 along with other effective policies can prevent youth from use of, and access to, tobacco products - especially e-cigarettes. We appreciate Hawai'i's leadership in tobacco control and the legislature's actions to protect our young people from a deadly addiction.

Thank you for considering HB 551 and the other policies that will better protect the health of our communities.

Mahalo,

Peggy Mierzwa

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

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

ⁱⁱ Chaloupka, F.J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawai'i, University of Illinois at Chicago, 2021

ⁱⁱⁱ 2019 Youth Risk Behavior Surveillance System (YRBS). Available at: www.cdc.gov/yrbs.

^{iv} 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.

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

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

^{vii} 2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/03/2021.

^{viii} <https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes#:~:text=Flavored%20products%20are%20driving%20youth,as%20the%20most%20popular%20flavors>.

^{ix} <https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html>

^x <https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes#:~:text=Flavored%20products%20are%20driving%20youth,as%20the%20most%20popular%20flavors>.

^{xi} This study by Ward Research, Inc. summarizes findings from a phone survey among n=719 Hawaii registered voters (maximum sampling error +/- 3.6%), conducted between November 4-29, 2022.



**Testimony to the House Committee on Labor and Government Operations
Wednesday, February 8, 2023; 9:30 a.m.
State Capitol, Conference Room 309
Via Videoconference**

RE: HOUSE BILL NO. 0551, RELATING TO HEALTH.

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 0551, RELATING TO HEALTH.

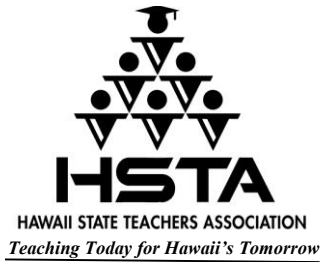
By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable,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

This bill, as received by your Committee, would prohibit the sale or distribution of all flavored tobacco products, including products with menthol, and prohibit the mislabeling of products as nicotine-free. This bill would also appropriate an unspecified amounts of general funds for fiscal years 2023-2024, and 2024-2025, for the establishment of two full-time equivalent (2.0 FTE) program specialist positions to review, process, and initiate inspections, and one full-time equivalent (1.0 FTE) administrative hearings officer to preside over administrative hearings.

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

Accordingly, the HPCA urges your favorable consideration of this measure.

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@hawaii pca.net.



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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR &
GOVERNMENT OPERATIONS

RE: HB 551 - RELATING TO HEALTH

WEDNESDAY, FEBRUARY 8, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Matayoshi and Members of the Committee:

The Hawaii State Teachers Association **supports HB 551**, relating to health. The main focus of this bill that we support bans the sale of flavored tobacco (vaping) products prohibits and the mislabeling of e-liquid products containing nicotine.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2023 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. **Unfortunately, this FDA flavor ban did not include vaping products. We can change that as a state and protect our youth.**

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

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

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

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth

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

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

HB-551

Submitted on: 2/6/2023 11:17:26 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dorian Aoki	HIPHI Youth Council	Support	Written Testimony Only

Comments:

The use of nicotine products in youth, especially those with fruity/menthol flavors, has been on an incline as of 2020. With 8 in 10 youth reporting that the nicotine product they've used was flavored, this is in comparison to 2019 where the number was 7 in 10. These products also cause people to get hooked on to the habit faster and make it harder to quit as well.

As someone who grew up in a generation where there were many "quit smoking" commercials circling around, let's stop this now so that a new generation doesn't need to go through the same thing.



February 8, 2023

RE: HB 551

Members of the House Committee On Behavioral Health and Health Care,

Thank you for the opportunity to write on behalf of our members in Hawai'i expressing our concerns and extreme opposition to HB 551, which would prohibit sales of low-risk nicotine or tobacco products in flavors other than tobacco--even if they receive a marketing granted order from the US Food and Drug Administration. Proposals such as this are hasty reactions to an emotionally fueled issue that is only being made worse by well-meaning, but misguided attempts to eradicate nicotine use.

The proposal to ban the sale of vapor products sold in flavors other than tobacco will deny people who smoke access to the most popular low-risk smoking replacement product in decades. We think it is a mistake to focus on the issue of flavors to the exclusion of underlying factors affecting youth use. Socioeconomic status, trauma, peer pressure, stress, depression, and a natural inclination toward taking risks all motivate young people to experiment with potentially harmful behaviors and coping strategies. None of these factors are addressed by laws banning flavored nicotine products or any other measures that deal strictly with limiting access to substances like nicotine and other drugs. Arguably, prohibitions such as what's proposed in HB 551 are more likely to make things worse for the same people it is intended to protect.

The leading indicator of whether or not a young person will smoke is if they live with a parent who smokes. Hawai'i can do more to promote healthy behaviors among young people by encouraging parents who smoke to switch completely to a low-risk, smoke-free alternative. In order to achieve a rapid and enduring transition to safer nicotine products, people who smoke must have access to products they enjoy. This necessitates the availability of a diverse range of flavored smoke-free products. For these and the following reasons CASAA is urging the committee to reject any proposal to ban flavored smoke-free products in Hawai'i.

A flavor ban will deprive people who smoke access to life saving products

- **The availability of enjoyable smoke-free nicotine products is helping millions of people quit smoking.**

It is very disappointing that some of the comments the committee will hear on this proposal callously dismiss the experiences of millions of people who quit smoking¹, or are on their way to living smoke-free by switching to a safer nicotine product like vaping. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,² parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.³

You are right to be skeptical of claims that vaping is unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people *trying* to quit^{4 5} and those who quit by accident.⁶

- **A ban on flavored vapor products will force independent vape shops to close.**

We defer to data being presented by trade representatives from the vapor industry with regard to sales data, but it is our understanding that a majority of purchases involve e-liquid in flavors other than tobacco by people older than the federal minimum legal sales age of 21. To date, we are unaware of any retailer or manufacturer that sells a popular line of unflavored e-liquid.

It is unlikely that specialty vapor retailers will be able to remain open if they are restricted to selling just vapor devices and tobacco flavored e-liquid. It is the diversity of vapor products that both supports independent businesses and provides a customizable experience to people who are attempting to transition to a smoke-free lifestyle.

¹ Clive Bates, The Counterfactual, E-cigarette risk perceptions – an American crime scene, February 3, 2022. Accessed from <https://clivebates.com/e-cigarette-risk-perceptions-an-american-crime-scene/>, February 8, 2023.

² Nolan M, Leischow S, Croghan I, et al. Feasibility of Electronic Nicotine Delivery Systems in Surgical Patients. *Nicotine Tob Res.* 2016;18(8):1757-1762. doi:10.1093/ntr/ntw003

³ Zhu S, Zhuang Y, Wong S, Cummins S E, Tedeschi G J. E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys *BMJ* 2017; 358 :j3262 doi:10.1136/bmj.j3262

⁴ Friedman AS, Xu S. Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation. *JAMA Netw Open.* 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

⁵ Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.
(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

⁶ Kasza KA, Edwards KC, Kimmel HL, et al. Association of e-Cigarette Use With Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Netw Open.* 2021;4(12):e2140880. doi:10.1001/jamanetworkopen.2021.40880

- **Vapor product specialty shops (vape shops) play a vital role in helping people who smoke switch to a low-risk alternative**

Vape shops are a source of peer-to-peer support that is not effectively replicated by current tobacco control interventions. Vape shops provide knowledgeable staff who offer individualized attention to help customers find devices and e-liquid flavors that will help them successfully make the switch. Just as important, vape shops provide a space for peer-to-peer support for people who used to smoke and people who are transitioning to a smoke-free product.

By way of background, vapor retailers and manufacturers in the United States are prohibited by federal law from marketing e-cigarettes as smoking cessation products or even less harmful than cigarettes.⁷ Customers, however, are bound by no such law. It is not uncommon to hear customers exchange successful quit smoking stories between one another in a vape shop. To the casual observer, sharing such a story might not seem like much, but between people who are recovering from a multiyear or multi-decade cigarette addiction, it can mean the difference between living a smoke-free life or returning to the devil they know.

By comparison, vapor retailers in the United Kingdom are not subject to the same limitations on marketing communication in face-to-face transactions. Research conducted in the UK demonstrates that people who shop for vapor products in specialty vapor shops have a remarkable quit rate of >40% after 12 months.⁸ Other than quitting “cold turkey,” no other smoking cessation intervention comes close to the success rate found in the UK. And while the retail environment studied in the UK is not a 1:1 match with vapor shops in the United States, when we consider customer-to-customer interactions within the retail environment, which are not regulated by federal law, it stands to reason that the results found in the UK may be generalizable to consumers in the United States.

For the foregoing reasons we respectfully urge the committee to reject HB 551, the proposal to ban flavored vapor products prior to scientific review. This legislation will place unnecessary barriers in front of people who would otherwise be improving their health.

⁷ 21 USC 387k: Modified risk tobacco products, accessed from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section387k&num=0&edition=prelim>

⁸ Polosa, Riccardo et al. “Quit and smoking reduction rates in vape shop consumers: a prospective 12-month survey” *International journal of environmental research and public health* vol. 12,4 3428-38. 24 Mar. 2015, doi:10.3390/ijerph120403428

Recommendations

- We urge committee members to refocus their attention on the most pressing concern of reducing the early death and disease attributed to smoking by seeking ways the state can help promote safer alternatives to people who smoke, especially among people from historically underserved communities.
- Effective substance use prevention starts by empowering young people with strong social skills, critical thinking, and healthy coping strategies. People are generally resourceful and, historically, find ways to circumvent prohibitions on tobacco, drugs, and alcohol. Strong life skills training during adolescence has a greater potential to positively shape a young person's life well into adulthood.⁹

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

⁹ Society of Addiction Psychology, "The Life Process Program," Stanton Peele, July 10, 2020. Accessed from <https://addictionpsychology.org/conference-calls/life-process-program>, Feb. 7, 2023.



American Cancer Society
Cancer Action Network
2370 Nu'uuanu Avenue
Honolulu, HI 96817
808.432.9139
www.fightcancer.org

House Committee on Labor & Government Operations
Representative Scot Matayoshi, Chair
Representative Andrew Garrett, Vice Chair

Hearing Date: Wednesday, February 8, 2023

ACS CAN SUPPORTS HB551 – RELATING TO HEALTH.

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

Thank you for the opportunity to SUPPORT with amendments HB551: RELATING TO HEALTH.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

ACS CAN supports ending the sale of menthol cigarettes and all other flavored products. The epidemic of tobacco use by youth and young adults, aggressive marketing tactics by their manufacturers, including the use of flavors appealing to youth, and under-regulation of e-cigarettes requires the public health community to take action to protect youth, young adults, and the public at-large.

ACS CAN supports including “electronic smoking devices” in the definition of “tobacco products.” E-cigarettes are now the most popular tobacco product among youth – in part because they are not subject to many of the regulations and taxes other tobacco products are subject to. By implementing the same policies and regulations used to reduce cigarette use to record lows, we can reverse the trends in youth e-cigarette use.

However, we do not recommend defining “e-liquid” separately from electronic smoking devices, as this may result in only regulating and taxing e-liquid rather than the entire electronic smoking product. This may be incredibly difficult to enforce. ACS CAN recommends deleting the definition of e-liquid and reference the definition for tobacco product.

To strengthen the health infrastructure in Hawaii, ACS CAN strongly recommends retailers of e-cigarette and electronic smoking devices should be required to obtain a tobacco permit to help enforce laws and regulations and to increase the penalty to suspend and revoke the licenses of repeat offenders to hold wholesalers and retailers accountable rather than simply through fines.

Furthermore, revenue collected should go toward tobacco prevention and cessation for all tobacco products including electronic smoking devices and e-cigarettes rather than the general fund. Currently, Hawaii is 44.7% under CDCs recommended funding level for State Tobacco Control Programs. CDC's evidence-based recommendations for a comprehensive tobacco control program provide states with the needed framework to educate people on the dangers of tobacco use as well as connect people who are already addicted to tobacco to resources to help them quit. Comprehensive tobacco control programs establish smoke-free policies and social norms, promote tobacco cessation and support those trying to quit, prevent initiation of tobacco use among prospective new users including youth and reduce tobacco-related health disparities among disparate populations. When appropriately funded and executed in accordance with CDC recommendations, comprehensive tobacco control programs can reduce tobacco use.

ACS CAN also supports allowing counties to adopt rules that place greater restrictions on the sale and use of tobacco products including e-cigarettes. Local governments are uniquely positioned to meet the needs of the people in their communities. ACS CAN supports their ability to pass laws that are proven to promote good health, well-being, and equality and supports each level of government's ability to implement policies for cleaner, safer, healthier communities. The right of local governments to pass public health policies stronger than state laws must be preserved to continue future advocacy efforts to reduce suffering and death from cancer.

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



Representative Scot Z. Matayoshi - Chair, Representative Andrew Takuya Garrett - Vice Chair and members of the Committee on Labor and Government Operations.

On behalf of the Coalition for a Tobacco-Free Hawaii's (CTFH) Youth Council, we strongly support HB 551. The CTFH Youth Council is a nationally-recognized group of youth leaders fighting for the health of our own generation against the powerful influences of Big Tobacco. The Youth Council consists of students from middle, high school, and college across all of the counties.

In 2019, the most recent data from Hawai'i available, one in three high school students and one in five middle school students report "current use" of e-cigarettes. As many know, these products are harmful to youth in particular, containing toxic chemicals like nicotine and formaldehyde that negatively impact the developing brain. In fact, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change. That's 1,400 people every year that die from a tobacco related illness.

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

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

Menthol, in particular, is one of the most popular flavors among teens – using names like Ice, Chill and Freeze to describe the cooling sensation that couples with its minty taste, menthol makes it easier to start vaping and harder to quit. Menthol, moreover, is the primary product

used in predatory marketing against youth and vulnerable communities – the industry considers Hawai'i a "Menthol State", with 78% of Native Hawaiian and Pacific Islander smokers using menthol cigarettes, perpetuating a legacy of public health disparities and corporate exploitation.

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

It's not just youth – A 2022 Ward Research poll of registered voters found that the vast majority of **Hawaii voters agree** with our stance with **71% supporting a ban on all flavored tobacco products, including menthol**. We also have support from more than 100 organizations, many of which have also submitted testimony. Youth have presented to over 24 Oahu neighborhood boards that have passed resolutions in support, along with organizations like the American Academy of Pediatrics – Hawaii Chapter, Association of Hawaiian Civic Clubs, the Honolulu Youth Commission, Parents for Public Schools of Hawai'i, and many more. You can see a partial list below. In fact the only people that seem to be opposed to the bill are the addicted and those that profit from their addiction.

Many in opposition to HB551, claim flavored e-cigarettes are safe and have helped them quit smoking. Yet a quick sample of company disclaimers that make flavors used in e-cigarettes seem to indicate otherwise. (Red highlights were added)



"Product Disclaimer

This product may be harmful to your health. Use at your own risk.

All use of our raw flavoring concentrates requires further processing by a manufacturer into a final product for consumption.

Flavorah is food grade flavoring made from generally recognized as Safe Compounds (GRAS). This GRAS designation is only applied to ingestion and **does not apply to inhalation**. In no event shall our company be liable for any direct, indirect, punitive, incidental, special consequential damages, to property or life, whatsoever arising out of or connected with the use or misuse of our products.

The FDA has not approved Flavorah or any flavoring for inhalation. Vaping flavorings is inherently dangerous and may be harmful to your health. Do not attempt it. We do not claim or warrant, and forbid all claims or warranties that Flavorah is healthier than other flavorings. This product is a raw material that requires further processing for use. "

<https://www.flavorah.com/about/terms-and-conditions/>

LORANN

QUALITY—A FAMILY TRADITION SINCE 1962

“LorAnn Oils cannot make any claims as to the safety of the use of flavoring substances in e-cigarettes based solely on the fact that these flavoring ingredients have been declared safe for use in food and beverage according to their intended use. ...

...LorAnn Oils does not advertise or promote its flavors for use in e-cigarettes. LorAnn has not tested its flavors for any purpose other than their use as an ingredient to be used in the preparation of foods to be consumed such as candy, cakes, cookies, and ice cream. Those using the flavors in e-cigarettes are doing so at their own risk and without warranty, either expressed or implied, from LorAnn Oils, Inc. or its suppliers.”

<https://www.lorannoils.com/e-cigarette-inquiries>



“You agree to use products at your own risk.

Electronic cigarettes have NOT been evaluated by the FDA to treat or diagnose any disease or condition. They are not intended for use in smoking cessation or for any therapeutic use.

Some of our E-Liquid blends contain Propylene Glycol (PG) has been associated with irritants and allergic reactions. CONSULT YOUR physician before using any product with Propylene Glycol. We do offer a substitute that is Vegetable Glycerin (VG). For more information, contact us.

ECBlend makes NO CLAIMS regarding the effectiveness of our products for ANY use.

ECBlend products are intended to be used ONLY by consenting, informed ADULTS OVER THE AGE OF 18 who want to use these products for personal enjoyment.

Nicotine is EXTREMELY addictive.

Electronic cigarettes have NOT been evaluated for use in quitting smoking.

Nicotine is highly addictive and habit-forming. Keep out of reach of children. Some of our products contain Nicotine, a chemical known in some states to cause birth defects or other reproductive harm.

HEALTH NOTICE: This product is intended for use by persons 18 or older, and not by children, women who are pregnant or breastfeeding, or persons with or at risk of heart disease, high blood pressure, diabetes, or taking medicine for depression or asthma. If you have a demonstrated allergy or sensitivity to nicotine or any combination of inhalants.

Consult your physician before using any nicotine product. This product is sold purely for recreational purposes - it is not a smoking cessation product and has not been tested as such.

You may experience certain symptoms after using this product. Some of the side effects of nicotine may include irregular heartbeat, changes in blood pressure, inflammation of blood vessels, chest pain, and depression, shortness of breath, sweating, dizziness, dry mouth, throat irritation, rash, swelling, nose bleed, diarrhea, headache, and dry mouth. Consult your physician prior to using this product. Nicotine is quickly absorbed with skin contact. Keep away from skin,

eyes, mouth, and any other area of the body. In the event that you become in contact with nicotine, wash the affected area with soap and water for at least 15 minutes, and immediately contact your local Poison Control Center.

Keep away from children and pets. **Small parts and or e-juice may be ingested and may lead to suffocation, injury, poisoning, and/or death.** Please recycle or dispose according to local law. Propylene Glycol is poisonous to aquatic animals. Not for use by woman who are nursing, pregnant, or are planning to get pregnant. **Vaping and exposure to vaping may potentially cause the emergence, contraction, contribution to, aggravation or exacerbation of various forms of adverse health effects including but not limited to cancer, heart disease, arteriosclerosis, cancer, carcinoma, liver disease, respiratory disease or illness, cancerous or precancerous abnormal condition or conditions, disorder, sickness, ailment, unhealthiness, symptoms, diseases, illness or malady of the human body.”**

<https://www.ecblendflavors.com/terms-and-conditions>

<https://www.ecblendflavors.com/warnings-nicotine-and-e-liquid/>

We urge you to end the sale of all flavored tobacco products and put people over profits.

Thank you for the opportunity to submit testimony.

PARTIAL LIST OF SUPPORTERS

HEALTH ORGANIZATIONS

'Ohana Health Plan

Adventist Health – Castle

Aloha Care

AMA/HMA Student Chapter at JABSOM

American Academy of Pediatrics – Hawaii Chapter

American Heart Association

American Lung Association

Bay Clinic Inc.

Blue Zones Project

Campaign for Tobacco-Free Kids

Coalition for a Drug-Free Hawaii

Coalition for a Tobacco-Free Hawai'i a program of Hawai'i Public Health Institute

Hamakua Kohala Health Centers

Hawaii – American Nurses Association (Hawaii-ANA)

Hawaii COPD Coalition

Hawaii Dental Hygienists' Association

Hawaii Health and Harm Reduction Center

Hawai'i Nurses' Association OPEIU Local 50

Hawaii Public Health Association

Hui No Ke Ola Pono

Hui Ola Pono (UH Public Health's Student Organization)
Kaho'omiki; Hawaii Council of Physical Activity and Nutrition
Kauai Rural Health Association
Keiki Injury Prevention Coalition
Na Lei Wili Area Health Education Center, Inc.
The Queen's Health Systems
Tobacco Prevention Project, Daniel K. Inouye College of Pharmacy
University of Hawaii Student Health Advisory Council
US COPD Coalition
Waimānalo Health Center

YOUTH AND COMMUNITY ORGANIZATIONS

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

BUSINESSES

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

NEIGHBORHOOD BOARDS

Kuliouou-Kalani Iki Neighborhood Board 02
Kaimuki Neighborhood Board 04
Diamond Head Neighborhood Board 05

Palolo Neighborhood Board 06
McCully-Moilili Neighborhood Board 08
Makiki- Tantalua Neighborhood Board 10
Ala Moana/Kakaako Neighborhood Board 11
Nuuanu/Punchbowl Neighborhood Board 12
Downtown-Chinatown Neighborhood Board 13
Liliha/Puunui/Alewa Neighborhood Board 14
Aliamanu-Salt Lake Neighborhood Board 18
Aiea Neighborhood Board 20
Pearl City Neighborhood Board 21
Waipahu Neighborhood Board 22
Ewa Neighborhood Board 23
Mililani-Waipio Neighborhood Board 25
North Shore Neighborhood Board 27
Koolauloa Neighborhood Board 28
Kahaluu Neighborhood Board 29
Kaneohe Neighborhood Board 30
Kailua Neighborhood Board 31
Waimanalo Neighborhood Board 32
Mililani Mauka- Launani Valley Neighborhood Board 35
Nanakuli-Mailii Neighborhood Board 36

SCHOOLS

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

HEALTH & COMMUNITY LEADERS

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Deborah Bond-Upson
Dale Carstensen
Valerie Chang
Dyson Chee
Danelle Cheng

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





Chair Scot Matayoshi
Vice Chair Andrew Garrett

House Committee on Labor & Government Operations

Wednesday, February 8, 2023
9:30 AM

TESTIMONY IN STRONG SUPPORT OF HB551 RELATING TO HEALTH

Aloha Chair Matayoshi, Vice Chair Garrett, Members of the House Committee on Labor and Government Operations,

The Hawai'i State Youth Commission was first created through Act 106 in 2018, "to advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State." The Hawai'i State Youth Commission's Public Health legislative committee is in **strong support** of **HB551**.

As representatives of the youth of Hawai'i, the commission is committed to promoting inclusivity, opportunity, and progress in Hawai'i. This includes the *health* of Hawai'i's youth. That is why the commission strongly supports this measure, because its efforts to end the sale and mislabelling of flavored tobacco products is crucial to improving the health and lives of not

only Hawai'i's youth, but also the communities that they live in, which are negatively affected by tobacco and vape.

To understand the severity and importance of this bill, the legislature needs to understand that, currently, one in five middle schoolers and one in three high schoolers use e-cigarettes. 81% started with a flavored product. We must understand that 97% of youth who currently vape use flavored products. This is because there are over 15,000 flavors of vape that are constantly being marketed to target, entice, and hook our youth population. Finally, we must contend with the fact that 21,000 of Hawai'i's youth who are alive today will ultimately die from a tobacco related illness if rates don't change. So, we must acknowledge that flavored tobacco products are a severe threat to the health of our youth, and also acknowledge that ending sales of flavored products is a critical and necessary step towards a better future.

Therefore, the Hawai'i State Youth Commission strongly urges the committee to **PASS HB551**, so that we can prevent the dangers of tobacco from affecting present and future generations of our keiki.

Mahalo for the opportunity to testify,

The Hawai'i State Youth Commission
hawaiiistateyc@gmail.com



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Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:
Mazen Saleh, Integrated Harm Reduction Policy Director, R Street Institute

In OPPOSITION to HB 551, “An Act Relating to Health.”

February 8, 2023

Committee on Labor and Government Operations

Chairman Matayoshi, Vice Chairman Garrett and members of the committee,

My name is Mazen Saleh, and I am the integrated harm reduction policy director for the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including integrated harm reduction. This is why our organization finds HB 551 particularly noteworthy.

The R Street Institute has long held concerns with the effects of combustible cigarette consumption, the inefficiencies of current tobacco control and youth use of tobacco products. Our policy research focuses on ways to reduce the harm of combustible cigarette use for adult smokers. In addition, the R Street Institute staunchly supported raising the federal minimum age for the sale of tobacco products from 18 to 21 years. We share the committee’s concerns on the negative effects of combustible tobacco, from the associated morbidity and mortality concerns to the economic cost. It is this shared concern, however, that drives our opposition to measures like HB 551. This measure would prohibit the sale of flavored tobacco products, particularly electronic nicotine delivery systems (ENDS), which are colloquially known as e-cigarettes or vapes.

The legislation as proposed aims to deter youth use of flavored tobacco products but it is already illegal to purchase such products for individuals under 21-years of age. If the intention is to curb youth use, the focus should be on strengthening enforcement of current legislation, not severely restricting less harmful nicotine products for adult smokers who are trying to kick the habit of smoking combustible cigarettes. While no tobacco product is without risk, non-combustible products such as e-cigarettes, vapes, snus and chewing tobacco are drastically less harmful than products like cigarettes.¹ The National Academies of Science, Engineering, and Medicine; the U.S. Food and Drug Administration; Royal College of Physicians; and Public Health England all share the view that nicotine products exist on a spectrum of risk where combustible cigarettes are at the highest end of the range, and e-cigarettes at the lowest end.² Since ENDS products operate via vapor technology, they do not release the 7,000 chemicals found in combustible cigarette smoke that are proven to be detrimental to health.³



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Our organization believes in the science and promise of tobacco harm reduction to help adult smokers switch to less harmful alternatives. Harm reduction is not a foreign concept in the Aloha State as the Hawai'i Health & Harm Reduction Center in Honolulu operates a syringe exchange for people who use drugs.⁴ The goal of harm reduction for tobacco use is the same—to reduce harms for those that cannot or will not abstain from participation in risky behaviors.

By banning flavored ENDS products, Hawai'i leaves only combustible cigarettes on store shelves for adult users addicted to nicotine. Research indicates that flavored tobacco plays a considerable role in these consumers' ability to kick the habit. In one study of over 4,500 former and current smokers who used e-cigarettes, restricting flavor varieties led to an increase in cravings for combustible cigarettes for 48.5 percent of former smokers.⁵ Of the participants, another 39 percent reported that limiting flavors would have discouraged them from terminating their smoking habit.⁶

The R Street Institute encourages you to be deliberate as you consider HB 551. There are roughly 167,000 cigarette smokers in the Aloha State who need access to less harmful alternatives for consuming nicotine as they try and quit using cigarettes.⁷ Unfortunately, this legislation as proposed leaves them to suffer with the perils of combustible tobacco use. For these reasons, we strongly encourage you to oppose this legislation.

Thank you,

Mazen Saleh
Integrated Harm Reduction Policy Director
R Street Institute
msaleh@rstreet.org

¹ Chris Proctor et al., "A Model Risk Continuum for Tobacco and Nicotine Products," Food and Drug Law Institute, last accessed Jan. 30, 2023. <https://www.fdli.org/2017/08/spotlight-tobacco-model-risk-continuum-tobacco-nicotine-products>.

² National Academies of Science, Engineering, and Medicine et al., *Public Health Consequences of E-Cigarettes* (The National Academies Press, 2018). <https://nap.nationalacademies.org/catalog/24952/public-health-consequences-of-e-cigarettes>; U.S. Food and Drug Administration, "FDA announces comprehensive regulatory plan to shift



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³ National Cancer Institute, “Harms of Cigarette Smoking and Health Benefits of Quitting,” National Institutes of Health, Dec. 19, 2017. <https://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/cessation-fact-sheet>.

⁴ “Syringe Exchange Program,” Hawai’i Health & Harm Reduction Center, last accessed Feb. 7, 2023. <https://www.hhrc.org/sep>.

⁵ Konstantinos E. Farsalinos et al., “Impact of Flavour Variability on Electronic Cigarette Use Experience: An Internet Survey,” *International Journal of Environmental Research and Public Health* 10:12 (Dec. 17, 2013), pp. 7272-7282. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3881166>.

⁶ Ibid.

⁷ “Tobacco use in Hawaii 2021,” Truth Initiative, Jan. 31, 2023. <https://truthinitiative.org/research-resources/smoking-region/tobacco-use-hawaii-2021>.

February 7, 2023

TO: Scot Z. Matayoshi, Chair
Andrew Takuya Garrett, Vice Chair
Members of the House Committee on Labor & Government Operations

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

RE: **HB 551** - Relating to Health
Hearing Date: February 8, 2023
Time: 9:30 am

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes HB 551** which seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the rising use of flavored tobacco products by youth in Hawaii especially with respect to electronic smoking devices. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.



To: Representative Scott Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair
Committee on Labor & Government Operations

RE: Support: HB 551: Relating to Health

Hrg: February 8, 2022 at 9:30am

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to submit this letter in support of a **comprehensive** ban on the sale of flavored tobacco products in the Hawai'i to reduce tobacco use, particularly among youth. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually, including 1,400 in Hawai'i. **As you discuss policy options, we stand with dozens of other national health organizations to urge you to end the sale of all flavored tobacco products including *candy-flavored e-cigarettes, sweet-flavored cigarillos, menthol cigarettes, and hookah products.***

Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are

frequently placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a *flavored* product.**¹

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.² Menthol cigarettes comprised 37 percent of the market in 2020.³

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

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

Sales of cigars (i.e., large cigars, cigarillos, and small cigars) have more than doubled between 2000 and 2020, and much of the growth is attributable to smaller types of cigars, many of which are flavored and inexpensive.⁶ Nielsen convenience store market scanner data showed that over half (53.3%) of cigar sales in 2020 were for flavored cigars. Among flavored cigars sold in these stores in 2020, the most popular flavors were sweet or candy (30.6%) and fruit (29.5%).⁷ Earlier data show the number of unique cigar flavor names more than doubling from 108 to 250 over the same time period.⁸ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.⁹ These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth.

Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹⁰

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

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**¹¹ Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 2.5 million youth, including 14.1% of US high schoolers, reporting current e-cigarette use in 2022, according to the National Youth Tobacco Survey (NYTS).¹² According to the 2019 Hawai'i Youth Risk Behavior Survey, 30.1% of Hawai'i high school students and 17.7% of middle school students are current e-cigarette users.¹³

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2022 NYTS, 46% of high school e-cigarette users reported vaping on 20 or more days/month, and 30.1% reported daily use.¹⁴ This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much or more nicotine as a pack of twenty cigarettes. Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.¹⁵ The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁶

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁷ More recent research confirms this finding.¹⁸ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor, including flavors that uniquely appeal to Hawai'i's children – like luau punch and lychee ice. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt from the FDA's policy. In 2022, 55.3% of US youth e-cigarette users reported using disposable e-cigarettes and 26.6% of users of flavored e-cigarettes reported using menthol e-cigarettes.¹⁹

While the FDA recently announced that it had denied marketing applications for certain flavored e-cigarettes, many of the flavored products most popular among kids, like Juul, are still on the market. Every day these products remain on the market, our kids remain in jeopardy. Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Hawai'i must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

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

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.²⁰ The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

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

According to the 2019 Hawaii Youth Risk Behavior Survey, an 59% of Hawaii's high school cigarette smokers and 38% of middle school cigarette smokers used menthol cigarettes.

In addition, cheap, flavored cigars – sold in hundreds of flavors like cherry dynamite, tropical twist and chocolate – have flooded the market in recent years and fueled the popularity of

these products with kids. The 2022 National Youth Tobacco Survey shows that cigars are the second most popular tobacco product (after e-cigarettes) among all high school students and are especially popular among Black high school students.²¹

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

Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and Black Americans.²² Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.²³ Nationally, menthol is also disproportionately high among Asian and Hispanic smokers, LGBTQ+ smokers, smokers with mental health problems, socioeconomically disadvantaged populations, and pregnant women.²⁴

There is also evidence that the industry has targeted the Hawaiian population. In the 1980s, a marketing group strategized how to reach native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai’i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”²⁵ An assessment of tobacco advertising in Hawai’i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai’i in the early 2000s.²⁶ The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii’s population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of Japanese smokers usually smoking menthol cigarettes.

Menthol cigarettes are a major reason why Black Americans suffer disproportionately from tobacco use. The tobacco industry’s “investment” in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.²⁷ Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year.²⁸ Tobacco use is a major contributor to three of the leading causes of death among Black Americans - heart disease, cancer and stroke.²⁹ The higher rates of some tobacco-caused diseases among Black Americans result, in part, from their greater use of menthol cigarettes, which are associated with reduced cessation.³⁰ Researchers estimate that among the Black community, 157,000 smoking-related

premature deaths and 1.5 million excess life-years between the years 1980 and 2018 can be attributed to menthol cigarettes.³¹

Action to prohibit menthol cigarettes is long overdue. In 2011, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”³² Over a decade after TPSAC issues its report—in April 2022—the FDA issued proposed rulemaking to prohibit menthol cigarettes and flavored cigars. However, until any FDA action is finalized, states and cities should continue their growing efforts to end the sale of menthol cigarettes and other flavored tobacco products. It will take time for the FDA to finalize and implement the necessary regulations to prohibit menthol cigarettes and flavored cigars, and tobacco industry lawsuits could cause more delays. States and cities have an obligation to protect the health of their citizens and must act now to stop tobacco companies from targeting kids and other groups with menthol cigarettes and other flavored products. We can’t afford more delay in taking action to protect kids and save lives.

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

Thank you for considering a strong and comprehensive policy without exemptions. This ordinance will save lives in Hawai’i.

Sincerely,

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

Lindsey Freitas, MPA

Director, Hawai’i

Campaign for Tobacco-Free Kids

LFreitas@tobaccofreekids.org

Appendix

A1: Examples of Flavored Tobacco Products



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



A3: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

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

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

³ U.S. Federal Trade Commission (FTC), Cigarette Report for 2020, 2021, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2020-smokeless-tobacco-report-2020/p114508fy20cigarettereport.pdf> [data for top 4 manufacturers only].

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

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

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

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

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

⁹ SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true.

¹⁰ National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf. Chang, CM, et al., “Systematic review of cigar smoking and all cause and smoking related mortality,” *BMC Public Health*, 2015.

¹¹ Ambrose, BK, et al., “Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014,” *Journal of the American Medical Association*, published online October 26, 2015.

¹² Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

¹³ Centers for Disease Control and Prevention (CDC). 2019 High School Youth Risk Behavior Survey Data. Available at <http://nccd.cdc.gov/youthonline/>.

¹⁴ Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

¹⁵ HHS, *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, CDC, Office of Smoking and Health (OSH), 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>. See also: CDC Office on Smoking and Health, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults,” March 2019. Accessed August 9, 2019.

¹⁶ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

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- ¹⁷ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.
- ¹⁸ Berry, KM, et al., "Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths," *JAMA Network Open*, 2(2), published online February 1, 2019; Pierce, JP, et al., "Use of E-Cigarettes and Other Tobacco Products and Progression to Daily Cigarette Smoking," *Pediatrics*, 147(2), published online January 11, 2021.
- ¹⁹ Cooper, M et al., "E-Cigarette Use Among Middle and High School Students—United States, 2022," *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.
- ²⁰ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.
- ²¹ Park-Lee E, et al. "Tobacco Product Use Among Middle and High School Students — United States, 2022." *MMWR* 71(45):1429–1435, November 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7145a1-H.pdf>.
- ²² TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ²³ Delnevo, CD, et al., "Banning Menthol Cigarettes: A Social Justice Issue Long Overdue," *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.
- ²⁴ Delnevo, CD, et al., "Banning Menthol Cigarettes: A Social Justice Issue Long Overdue," *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.
- ²⁵ Anderson, SJ, "Marketing of menthol and consumer perceptions: a review of tobacco industry documents," *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.
- ²⁶ Glanz, K, et al., "Operation Storefront Hawaii: Tobacco Advertising and Promotion in Hawaii Stores," *Journal of Health Communication*, 11(7): 699-707, 2006.
- ²⁷ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.
- ²⁸ American Cancer Society, "Cancer Facts & Figures for African Americans, 2016-2018," 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspsc-047403.pdf>; American Heart Association, "African Americans and Cardiovascular Diseases: Statistical Fact Sheet, 2012 Update," http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm_319568.pdf. HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998, http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf
- ²⁹ HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998; CDC, National Vital Statistics Report, Vol. 68, No. 9. Table 10, 2019 https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf.
- ³⁰ HHS, "Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General," 1998; HHS, *Reducing the Health Consequences of Smoking: 25 Years of Progress: A Report of the Surgeon General*, 2014. See also Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research*, 18(S1): S91-S101, 2016.
- ³¹ Mendez, D and Lee, TT, "Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018," *Tobacco Control*, published online September 16, 2021.
- ³² Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.



American Heart Association testimony for HB 551, “Relating to Health”

February 6, 2023

Chairman of the Board

Jason Fujita

President

Zia Khan, MD

Board Members

Rick Bruno, MD, FACEP

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Jackie De Luz

Michael Lui, MD

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Michael Rembis, FACHE

Andrew S. Rosen

Ben Salazar

David Underriner

Jennifer Walker

The American Heart Association supports HB 551, “Relating to Health.”

Tobacco use among kids is being driven by youth-friendly flavors like mint, fruit, and candy. 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 CDC’s 2019 National Youth Tobacco Survey. Numbers among Hawaii youths are even higher, especially on neighbor islands.

E-cigarettes are available in thousands of youth-appealing flavors, including fruit, candy, mint and menthol. Menthol flavor remains available in traditional cigarettes despite the FDA banning the use of other flavors in those products. The overwhelming majority of youth tobacco users report using flavored products. Tobacco companies target youth and adolescents with million-dollar marketing campaigns and thousands of appealing flavors that are specifically designed to attract and hook kids.

Mint and menthol flavored tobacco products are heavily marketed to kids, especially those from communities of color and the LGBTQ community with products specifically designed to entice them. A 2019 Stanford study found that JUUL’s initial advertising campaigns were “patently youth-oriented.” More than half a million youth tobacco users report using menthol. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products.

Flavored e-cigarettes are driving the youth e-cigarette epidemic. In 2020, 82.9% of current youth e-cigarette users reported the use of flavored e-cigarettes. In 2019, 97% of youth e-cigarette users report using a flavored product in the past month, and 70% cite flavors as a key reason for their use. Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC’s 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

E-cigarettes have been falsely marketed as a safe alternative to traditional cigarettes and as a tool to help adult smokers quit. Tobacco companies are targeting youth and addicting a new generation to tobacco and nicotine, reversing the decades-long progress that has been made in reducing youth tobacco use. The long-term health effects of these products are still unknown, and e-cigarettes should not be considered “safe.” What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco

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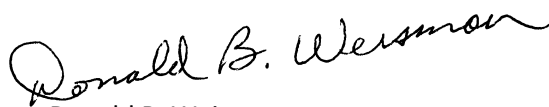
For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

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

Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors will remain on the market since the policy exempts menthol e-cigarettes and allows fruit, candy, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes (like the popular brand Puff Bar), to stay on the market. In addition, other flavored tobacco products such as menthol cigarettes and flavored smokeless tobacco and cigars are still allowed to be sold. **The FDA has also shown to be ineffective at enforcing restrictions on flavored tobacco products that were disallowed through its Premarket Tobacco Approval process. It's also important to note that no flavored tobacco product has been approved by the FDA for use as a tobacco cessation product, despite misstatements made by the tobacco industry. No tobacco product is safe. Local authority and enforcement need to be exercised to address this health emergency.**

Recently, California joined Massachusetts, New Jersey, New York and Rhode Island as states that prohibit the sale of all flavored tobacco products—including menthol. We respectfully urge Hawaii legislators to make our state the next to enact such comprehensive policy to address our extremely high youth use rates.

Respectfully submitted,



Donald B. Weisman

Government Relations/Communications and Marketing Director



To: The Honorable Representative Scot Z. Matayoshi, Chair
The Honorable Representative Andrew Takuya Garrett, Vice-Chair
House Committee on Labor & Government Operations

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

Hearing: Wednesday, February 8, 2023

RE: **HB551 Relating to Health**

AlohaCare appreciates the opportunity to provide testimony in **support of HB551**. This measure would prohibit the sale of all flavored tobacco products and the mislabeling of products as nicotine-free.

Founded in 1994 by Hawai`i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving over 80,000 Medicaid and dual-eligible health plan members on all islands. Approximately half of our membership are keiki. We are Hawai`i's only health plan exclusively dedicated to serving Medicaid beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person care.

Hawai`i is experiencing a youth vaping epidemic and we must take action to protect the health of our young people from life-threatening addiction.

Flavored and menthol tobacco and vaping products are designed and marketed specifically to entice youth. Appealing flavors have driven youth tobacco usage to nearly 31% of high school students and 18% of middle school studentsⁱ, both reporting e-cigarettes use within the past 30 days. Approximately 78% of Native Hawaiian and Pacific Islander smokers report using menthol cigarettes and 81% of youth who use tobacco started with flavored products.ⁱⁱ Tobacco use is the leading cause of preventable death and disease in Hawai`i.

We greatly appreciate the Committee's consideration of this important measure. Banning the sale of flavored tobacco products will greatly reduce the number of tobacco users in our state and most importantly discourage youth initiation. Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes.

Mahalo for the opportunity to submit testimony in **support of HB551**.

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

ⁱⁱ <https://www.flavorshookkidshi.org>



Hawaii Dental Association

Committee: House Committee on Labor & Government Operations
Time/Date: 9:30 a.m., February 8, 2023
Location: State Capitol and via Videoconference
Re: HB 551, Relating to Health

Aloha Chair Matayoshi, Vice Chair Garrett, and members of the committee!

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of HB 551**, relating to health. This bill prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. It authorizes the Department of Health to appoint, commission, or contract for services of inspectors.

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

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

Mahalo for the opportunity to testify in support of HB 551.



February 7, 2023

To: Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair
Members of the Committee
House Committee on Labor & Government Operations

Re: Testimony in Support of HB551, Relating to Health

Hrg: February 8, 2023, 9:30AM, House Conference room 309 via Videoconference

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

We strongly support HB551, which prohibits the sale of flavored tobacco. The youth vaping epidemic presents a significant public health risk. In Hawai'i, one in three high school students and one in five middle school students report current use of e-cigarettes. Flavored tobacco products are a significant driver of the vaping epidemic as 8 in 10 children start vaping with a flavored tobacco product. A major way to address vaping among youth is to prohibit the sale of the flavored tobacco products that entices youth to first try tobacco products.

Additionally, this bill addresses the sale of menthol in e-cigarettes and cigarettes. Menthol also promotes tobacco use as it has a cooling and numbing effect and can reduce throat irritation from smoking. This make menthol flavors more appealing to youth who may initiate smoking. Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Ending the sale of flavored tobacco will also advance health equity as the tobacco industry has a history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Island smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

We strongly support HB551 to prohibits the sale of flavored tobacco and the mislabelling of e-liquids as nicotine free. This bill would help address the youth vaping epidemic and make tobacco products less attractive to children. Hawai'i can be a leader in addressing this epidemic and join the five other states that have enacted policies to end the sale of flavored tobacco products to some extent. Flavored tobacco products pose a significant public health threat, especially to our keiki. Thank you for the opportunity to provide testimony on this important public health issue affecting youth in our communities.

Respectfully submitted,

Holly Kessler
Executive Director

**TAXPAYERS
PROTECTION
ALLIANCE**

**Testimony before the Hawaii House Committee on Labor & Government Operations
Regarding Banning the Sale of Flavored Tobacco and Vapor Products**

Lindsey Stroud, Director, Consumer Center

Taxpayers Protection Alliance

February 8, 2023

Chairman Matayoshi, Vice-Chairman Garrett and Members of the Committee:

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

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

Key Points

- Youth vaping has decreased by 53 percent between 2019 and 2022, while youth use of traditional tobacco products is at record lows.
- In 2022, among middle and high school students that had used a tobacco or vape product on at least one occasion in the 30 days prior, 9.4 percent reported using e-cigarettes, 1.9 percent had used cigars, 1.6 percent has used combustible cigarettes and 1.3 percent had used smokeless tobacco products.
- Youth are not using e-cigarettes because of flavors.
- In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported "other."
- Nationally, in 2021, among middle and high school students that were currently using e-cigarettes, 43.4 percent had used them because of feelings of anxiety, stress and/or depression, compared to 13.2 percent who had cited using them because of flavors.
- In three of four states with current flavored tobacco and vape bans, smoking rates among young adults increased, while nationally, they decreased on average by nearly 20 percent.
- The illicit market is thriving on internet marketplaces from New York City to California.

**Taxpayers Protection Alliance, 1101 14th St. NW, Ste 1101, Washington, D.C. 20005
(202) 930-1716, www.protectingtaxpayers.org**

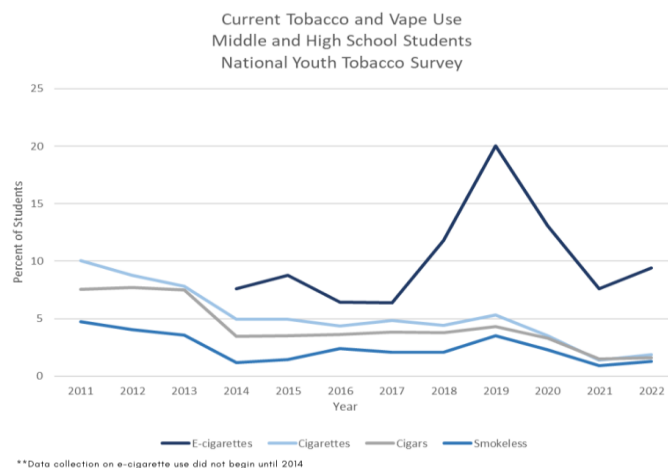
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2007 and 2018, smoking rates among Hawaii adults aged 18 to 24 years old declined by 39.6 percent. Since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

Youth Tobacco and Vapor Product Use

Despite headlines, youth use of traditional tobacco products is at record lows, while youth e-cigarette use peaked in 2019 and has steadily declined in the years since.

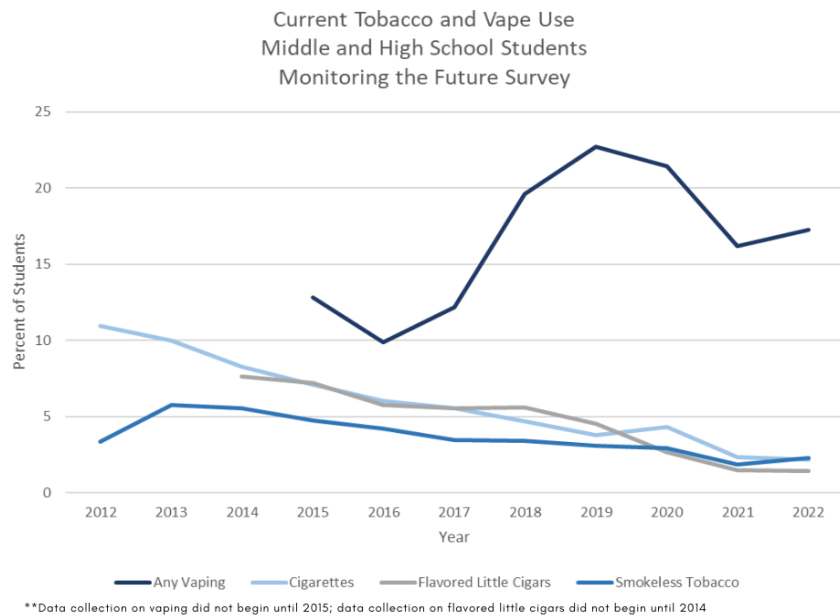
In 2022, according to the National Youth Tobacco Survey (NYTS), among middle and high school students that had reported current tobacco product use (defined as having used the product on at least one occasion in the 30 days prior), 1.9 percent had used cigars, 1.6 percent had used combustible cigarettes and 1.3 percent had used smokeless tobacco products.¹ These are some of the lowest levels recorded. In fact, in the 10 years between 2012 and 2022, current cigar use declined by 75.3 percent, cigarette use by 81.7 percent and smokeless tobacco use by 67.9 percent. These declines have come all the while flavored tobacco and vapor products remain available for sale.

Regarding vaping use (according to the NYTS), vaping seems to have peaked in 2019 when 20 percent of middle and high school students had used an e-cigarette in the 30 days prior to the survey. In 2022, only 9.4 percent of U.S. youth were currently vaping, a 53 percent decrease from 2019's levels.



Other national survey data has found significant declines in youth use of tobacco and vapor products. In 2022, according to the Monitoring the Future Survey (MTFS), among middle and high school students, 2.3 percent reported currently using smokeless tobacco, 2.2 percent reported current combustible cigarette use, and 1.4 percent reported using flavored little cigars.² Again, these are some of the lowest levels recorded. In 2012, more than one in ten U.S. youth (11 percent) reported current cigarette use. In ten years, smoking rates among U.S. youth declined by 78.7 percent. During the same period smokeless tobacco use among youth decreased by 59.6 percent. Between 2014 and 2022, the percent of youth reporting current use of flavored cigars declined by 81.2 percent.

Similar to the NYTS, the MTFS also found that youth vaping peaked in 2019, when 22.7 percent of U.S. youth reported “any vaping” – i.e., using a vapor product to vape either nicotine or other substances. Between 2019 and 2022, the percent of youths reporting any vaping decreased by 23.9 percent.



Youth Are Not Using E-Cigarettes Because of Flavors

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

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”³

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.⁴

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”⁵ Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”⁶ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”⁷

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”⁸

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.⁹

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.¹⁰

Reasons for first e-cigarette use			
National Youth Tobacco Survey, United States, 2021			
		Among ever e-cigarette users	Among current e-cigarette users
A friend [used/uses] them		57.8	28.3
I [was/am] curious about them		47.6	10.3
I [was/am] feeling anxious, stressed, or depressed		25.1	43.4
To get a high or buzz from nicotine		23.3	42.8
A friend family member [used/uses] them		18.6	8.7
I [could/can] use them to do tricks		16.5	20
They [were/are] available in flavors, such as menthol, mint, candy, fruit, or chocolate		13.5	13.2
I [could/can] use them unnoticed at home or at school		10.8	13
They are less harmful than other forms of tobacco such as cigarettes		8.3	10.3
They [were/are] easier to get than other tobacco products, such as cigarettes		4.8	6
I've seen people on TV, online, or in movies use them		4.5	2.9
To try to quit using other tobacco product, such as cigarettes		2.5	4.6
They cost less than other tobacco products, such as cigarettes		2.2	4.7
Some other reason		10.6	19.5

This state data is representative of even more recent national survey data. According to the 2021 NYTS, among middle and high school students that reported current e-cigarette use, 43.4 percent cited using them because they were “feeling anxious, stressed, or depressed,” compared to only 13.2 percent who cited using them because they were available in flavors.¹¹

Among students that reported having ever tried an e-cigarette, 57.8 percent cited using them because a friend uses them, compared to 13.5 percent who cited the availability of flavors.

If lawmakers want to address youth vaping, they must understand why youths are vaping.

Adult Tobacco and Vape Use

In 2021, 10.1 percent of adults in Hawaii were currently using cigarettes.¹² Smoking rates were highest among 45- to 64-year-old adults, with 12.1 percent reporting current use. Among all adults earning \$25,000 annually or less in 2021, more than one fifth (21.2 percent) reported currently smoking, compared to only 7.3 percent of adults who earned \$50,000 or more per year.

The CDC provides data on adult e-cigarette use for only 2016, 2017, and 2021.

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In 2021, among all Hawaii adults, 7.3 percent were currently using e-cigarettes. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaiian adults were current e-cigarette users.

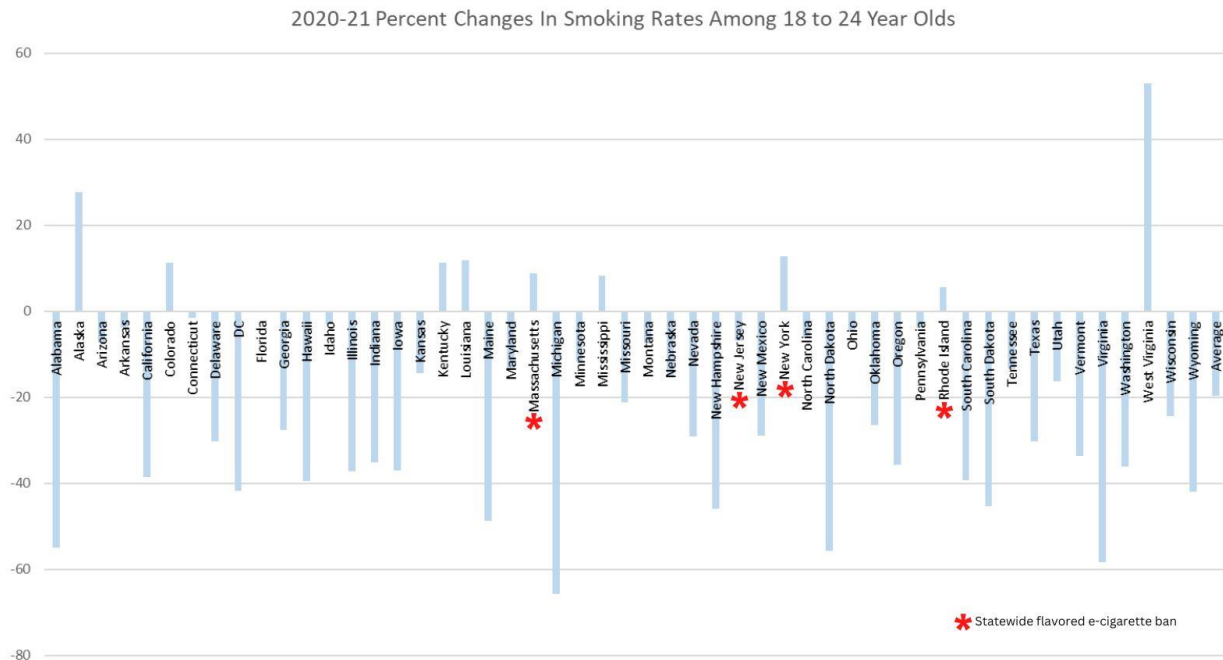
In 2021, among all Hawaii adults, 24.5 percent of 18- to 24-year-olds, 11.2 percent of 25–44-year-olds, 2.4 percent of 55–64-year-olds, and 0.7 percent of adults aged 65 years or older were currently using e-cigarettes.

Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use, compared to 4.8 percent who reported earning \$50,000 or more.

In Hawaii, 10.7 percent of Multiracial, non-Hispanic adults, 10.5 percent of Native Hawaiian and/or Pacific Islander adults, 10.2 percent of Hispanic adults, 7.4 percent of Black adults, 6.1 percent of White adults, and 5.1 percent of Asian adults were currently using e-cigarettes in 2021.

Effects of Current Flavor Bans

As of January 2023, five states have active statewide bans on the sale of flavored vapor products, including two states which have also banned the sale of flavored traditional tobacco products. Opponents claim that prohibition will work to reduce smoking and thus liberate resources for states due to reduced health care costs attributed to smoking. Yet, evidence from existing states find flavor bans correlate with increases in young adult smoking, all the while states lose revenue and neighboring ones profit.¹³



In 2021, 14.4 percent of American adults were currently smoking. This is a 7.1 percent decrease from 2020's 15.5 percent. Among young adults (aged 18 to 24 years old), a miniscule 7.4 percent were current smokers.

Among all states (minus Florida), smoking rates among adults aged 18 to 24 years old decreased by 19.7 percent on average between 2020 and 2021. Only nine states saw young adult smoking rates increase during the same period. Alarming, three of those states are home to flavored e-cigarette bans and lawmakers should avoid pushing prohibitionist flavor policies forward.

In Massachusetts, 7.4 percent of 18- to 24-year-olds were current smokers in 2021. This is an 8.8 percent increase from 2020's 6.8 percent. In New York, young adult smoking rates increased by 12.7 percent from 5.5 percent in 2020 to 6.2 percent in 2021. In Rhode Island, between 2020 and 2021, smoking rates among young adults aged 18 to 24 years old increased by 5.7 percent. Of the then-four states with active flavored e-cigarette bans, only New Jersey saw a reduction (6.8 percent) in young adult smoking rates. This is significantly lower than the average rate of reduction among all U.S. young adults.

Flavored tobacco bans have also failed to meaningfully reduce smoking rates while significantly reducing cigarette tax revenue and transferring it to other states.

The Massachusetts flavored tobacco and vape ban went into effect in 2020. Between 2020 and 2021 state excise tax revenue decreased by 22.3 percent, representing a loss of over \$106 million. Meanwhile, smoking rates among all adults only decreased by 4.5 percent (11.1 percent of adults in 2020 to 10.6 percent in 2021).

Neighboring New Hampshire saw an 11.5 percent reduction in adult smoking rates between 2020 and 2021, yet cigarette excise tax revenues increased by 14.4 percent during the same period.

Given the poor effects of flavored tobacco bans on young adult smoking and the failed experiment in Massachusetts, lawmakers should refrain from restricting the sales of flavored tobacco and vapor products.

In Thriving Illicit Market, Unregulated Products Harm Users

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

One study examining a possible menthol ban found that at least 25 percent would "find a way to buy a menthol brand."¹⁴ An experiment which examined current e-cigarette users under a hypothetical flavor ban found that banning "vaping products from the marketplace may shift preference towards purchasing vaping products in the illegal marketplace."¹⁵ An international

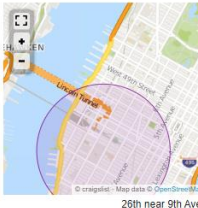

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survey of vapers from Canada, the United Kingdom and the United States found that over one-fourth (28.3 percent) “would find a way to get their banned flavor(s).”¹⁶

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

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

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PRICE IS FIRM & NON NEGOTIABLE. SERIOUS BUYERS only, NO SPECULATORS.
ALL PERTINENT INFO IN ADVERTISEMENT.

Interact with me the same way you would a sales person @ Macy's, Bloomindeales, Target, Kmart, or a street vendor. Personal Questions of my cost, date purchased, where purchased, why selling is no one's concern. If you see the advertisement, it is still available. Don't waste my time inquiring if it is still available!

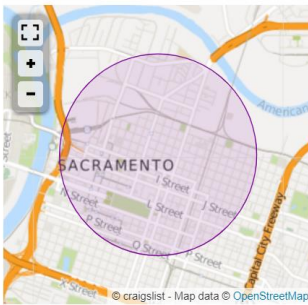
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menthol man delivery service (Sacramento)

I have all sorts of marbrol menthol. 15 a pack will deliver for purchases over 10 packs will trade for items of value also have puff bars disposable vapes.

- do NOT contact me with unsolicited services or offers



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

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

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

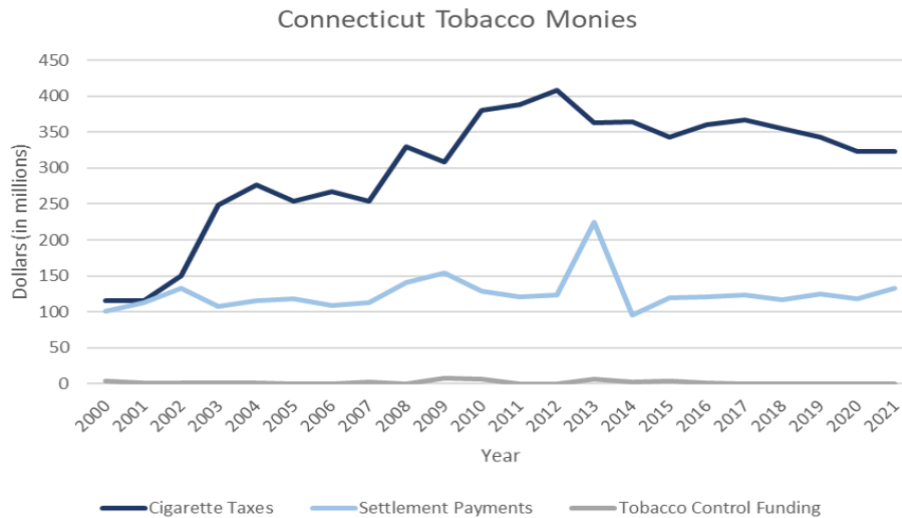
Tobacco Monies

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

In 2021, the Aloha State collected nearly \$98.1 million in state excise tax revenue from combustible cigarettes.²⁶ This was a 4.2 percent decline from 2020's \$102.4 million. Between 2001 and 2021, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$37.5 million in settlement payments in 2021, a 6.2 percent increase from 2020's \$35.3 million.²⁷ Since 2000, the Aloha State collected nearly \$997 million in tobacco settlement payments.

While Hawaii collected an estimated \$135.6 million in tobacco-related monies in 2021, the state allocated only \$7.9 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 23.4 percent increase in funding from 2020 levels.²⁸ This amounts to 8.1 percent of taxes and 21.1 percent of settlement payments. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



Conclusion

Lawmakers must refrain from prohibitionist policies that will only drive adult consumers to an underground market, exposing users to possibly harmful, unregulated products. Given the significant reductions in youth use of e-cigarettes, as well as the record lows in use of traditional tobacco products, bans on the sales of flavored tobacco and vapor products are not necessary. Rather, policymakers should use more of the already-existing monies derived from cigarettes to prevent youth use and help adults quit.

¹ Eunice Park-Lee, et al., “Tobacco Product Use Among Middle and High School Students — United States, 2022,” *Morbidity & Mortality Weekly Report*, Centers for Disease Control and Prevention, November 11, 2022, https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s_cid=mm7145a1_w.

² University of Michigan, “1975-2022 Data for In-School Surveys of 8th, 10th, and 12th Grade Students,” *Monitoring the Future*, 2022, <https://monitoringthefuture.org/results/data-products/tables-and-figures/>.

³ Lance Ching, Ph.D., et al., “Data Highlights from the 2017 Hawai’i Youth Tobacco Survey,” Hawai’i State Department of Health, June 29, 2018, http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf.

⁴ Connecticut Department of Public Health, “Connecticut High School Survey Codebook,” *2019 Youth Risk Behavior Survey Results*, 2019, https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT_Codebook.pdf.

⁵ Maryland Department of Public Health, “Maryland High School Survey Detail Tables – Weighted Data,” *2018 Youth Risk Behavior Survey*, 2018, <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Detail%20Tables.pdf>.

⁶ Montana Office of Public Instruction, “2019 Montana Youth Risk Behavior Survey High School Results,” 2019, http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820.

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Tobacco & Vaping 101:

Hawaii 2023

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

Key Points:

- In 2021, 10.1 percent of adults were currently smoking in Hawaii. This is a 12.9 percent decrease from 2020.
- In 2021, among all Hawaii adults, 56.9 percent of 18- to 24-year-olds, 11.8 percent of 25–44-year-olds, 12.1 percent of 45–64-year-olds, and seven percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2021, 21.2 percent were current smoking compared to only 7.3 percent of adults earning \$50,000 or more.
- Among all smoking adults in 2021 in Hawaii, 27.7 percent were Asian, 20.2 percent were Multiracial, 18.9 percent were White, non-Hispanic, 18.6 percent were Native Hawaiian and/or Pacific Islander, and 14.5 percent were Hispanic.
- Cigarette excise taxes in Hawaii disproportionately impact low-income persons, while failing to significantly reduce smoking rates among that class.
- The percentage of Hawaii adults earning \$25,000 or less that were smoking decreased by 30.3 percent between 2011 and 2021, while the percent of adults earning \$50,000 or more that were smoking decreased by 36 percent during the same period.
- Among Hawaiians who did not graduate high school, smoking rates decreased by 38.1 percent, yet rates among adults with a college degree decreased by 42.6 percent.
- In 2021, 6.1 percent of adults reported past-month e-cigarette use, which was a 27.1 percent increase from 2017.
- Youth vaping seems to have peaked in 2019, when 20 percent of youth reported current e-cigarette use. Between 2019 and 2022, current e-cigarette use declined by 53 percent.
- Traditional tobacco use among youth is at record lows. In 2022, only 1.9 percent of U.S. youth reported current cigar use, 1.6 percent reported current combustible cigarette use and 1.3 percent reported using smokeless tobacco products.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2007 and 2018, smoking rates among Hawaii adults aged 18 to 24 years old declined by 39.6 percent. Since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

Tobacco & Vaping 101: Hawaii 2023

Adult Combustible Cigarette Use

In 2021, according to data from the annual Behavioral Risk Factor Surveillance System survey (BRFSS) conducted by the Centers for Disease Control and Prevention, 10.1 percent of Hawaiians were currently smoking, amounting to nearly 114,852 adults. This is a 12.9 percent decrease from 2020 when 11.6 percent reported current cigarette use. In 2021, 6.8 percent of Hawaiian adults reported smoking every day.

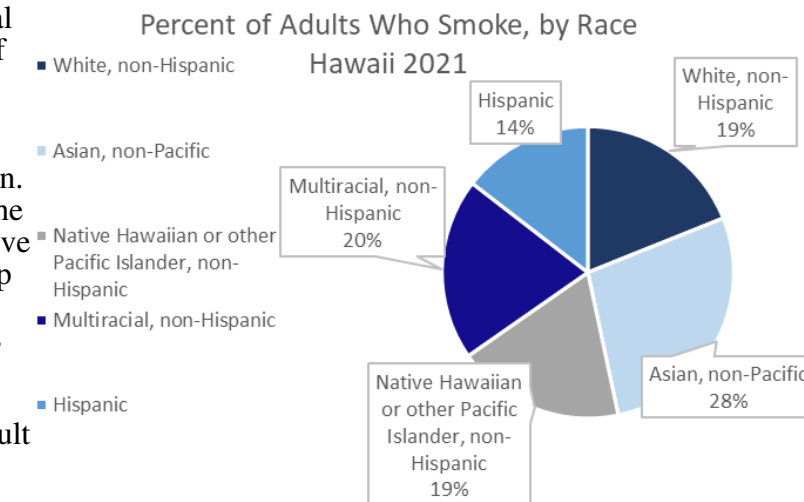
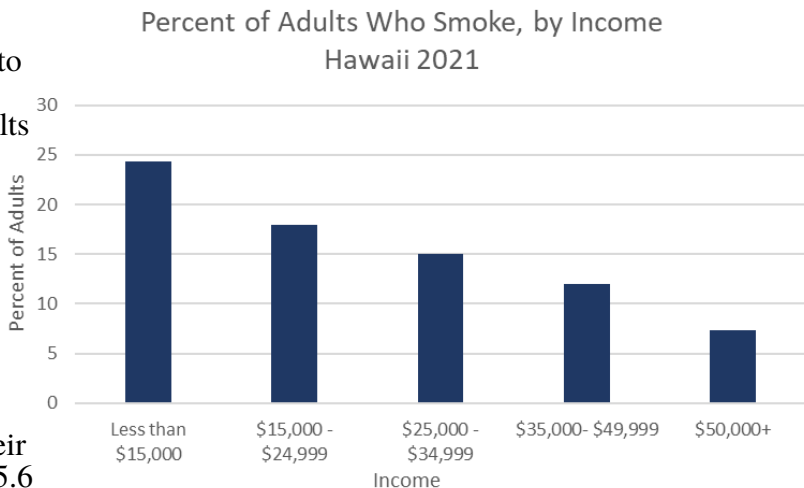
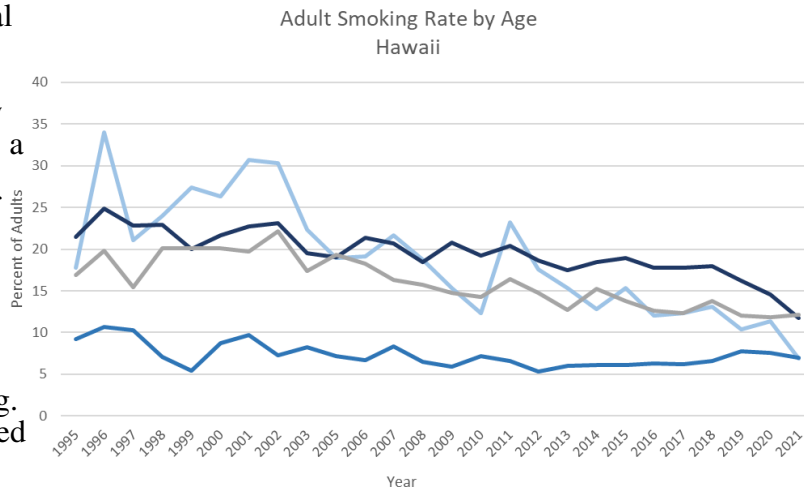
Smoking rates in the Aloha State have significantly declined since 1995 when the BRFSS Aloha began reporting combustible cigarette use. That year, 17.8 percent of Hawaii adults were then-currently smoking. Between 1995 and 2021, smoking rates have decreased by 43.3 percent with average annual decreases of 5.8 percent.

In 2021, among all Hawaii adults, 6.9 percent of 18- to 24-year-olds, 11.8 percent of 25–44-year-olds, 12.1 percent of 45–64-year-olds, and seven percent of adults aged 65 years or older were currently smoking combustible cigarettes.

Among all adults earning \$25,000 annually or less in 2021, more than one fifth (21.2 percent) reported currently smoking, compared to only 7.3 percent of adults who earned \$50,000 or more per year.

In Hawaii, Native Hawaiian and/or Pacific Islander adults reported smoking at a greater percentage of their identified race at 17.5 percent. This is compared to 15.6 percent of Hispanic adults, 13.2 percent of Multiracial adults, 7.8 percent of White adults, and 6.8 percent of Asian adults.

Yet, Asian adults made up a significantly larger percentage of Hawaii's total adult smoking population. In 2021, Asian adults accounted for 27.7 percent of the state's current smoking population, compared to Native Hawaiian and/or Pacific Islander adults, who made up 18.6 percent of the current adult smoking population. White adults accounted for 18.9 percent of the state's current adult smoking population, Multiracial, non-Hispanic adults accounted for 20.2 percent, and Hispanic adults made up 14.5 percent of Hawaii's adult smoking population in 2021.



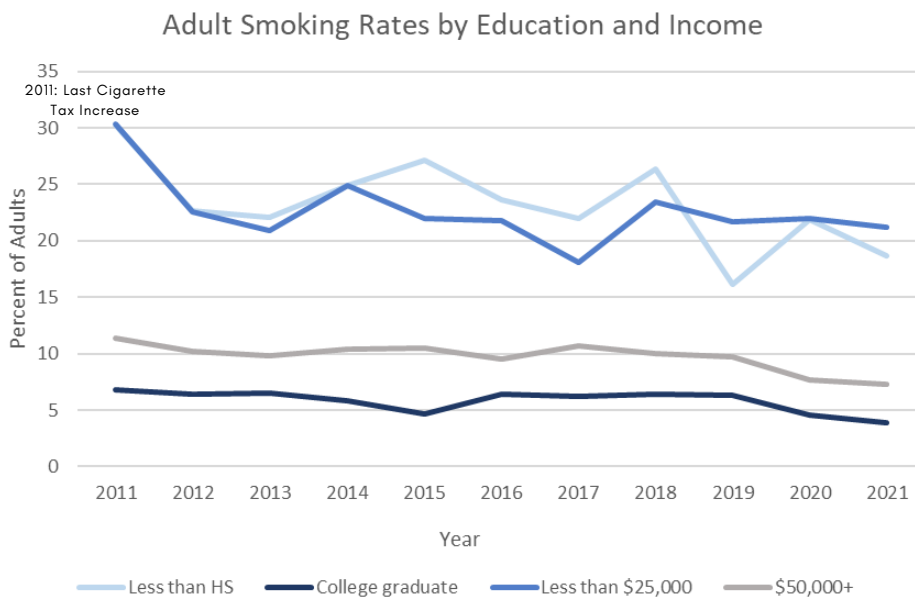
Tobacco & Vaping 101: Hawaii 2023

Effects of Cigarette Taxes

Hawaii last increased its state cigarette excise tax in 2011 from \$3.00 to \$3.20-per-pack. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes, yet, such taxes disproportionately harm lower income, lower educated adults, as well as fail to significantly reduce smoking rates among those persons.

The number of percent of Hawaii adults earning \$25,000 or less that were smoking decreased by 30.3 percent between 2011 and 2021, while the percent of adults earning \$50,000 or more that were smoking decreased by 36 percent during the same period. Among Hawaiians who did not graduate high school, smoking rates decreased by 38.1 percent, yet rates among adults with a college degree decreased by 42.6 percent.

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



Adult E-Cigarette Use

The CDC provides data on adult e-cigarette use for only 2016, 2017, and 2021.

In 2021, among all Hawaii adults, 7.3 percent were currently using e-cigarettes. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaiian adults were current e-cigarette users.

In 2021, among all Hawaii adults, 24.5 percent of 18- to 24-year-olds, 11.2 percent of 25–44-year-olds, 2.4 percent of 55–64-year-olds, and 0.7 percent of adults aged 65 years or older were currently using e-cigarettes. Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use, compared to 4.8 percent who reported earning \$50,000 or more.

In Hawaii, 10.7 percent of Multiracial, non-Hispanic adults, 10.5 percent of Native Hawaiian and/or Pacific Islander adults, 10.2 percent of Hispanic adults, 7.4 percent of Black adults, 6.1 percent of White adults, and 5.1 percent of Asian adults were currently using e-cigarettes in 2021.

Tobacco & Vaping 101: Hawaii 2023

Youth Smoking and Vaping Rates

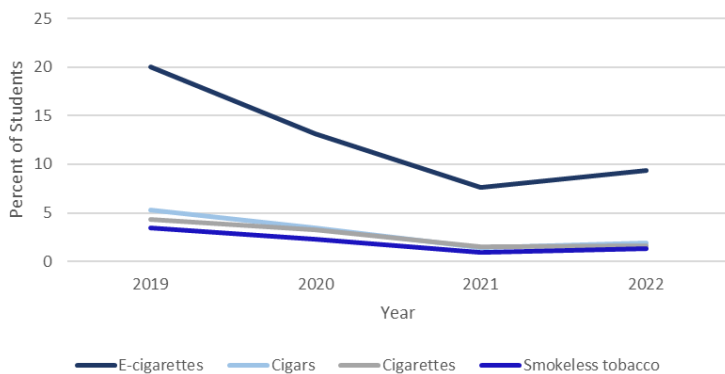
The CDC continues to delay publishing the 2021 results of the Youth Risk Behavior Survey resulting in state-specific data being unavailable at the time of this publication. Nonetheless, youth use of vapor products has declined significantly in recent years and youth use of traditional tobacco products is at record lows.

According to the National Youth Tobacco Survey, in 2022, only 9.4 percent of middle and high school students reported current use of e-cigarette products, defined as having used a product on at least one occasion in the 30 days prior to the survey. Youth vaping seems to have peaked in 2019, when 20 percent of youth reported current e-cigarette use. Between 2019 and 2022, current e-cigarette use declined by 53 percent.

Regarding traditional tobacco products, in 2022, only 1.9 percent of U.S. youth reported current cigar use, 1.6 percent reported current combustible cigarette use, and 1.3 percent reported using smokeless tobacco products. Between 2019 and 2022, current cigar use declined by 64.2 percent, current cigarette use decreased by 62.8 percent and smokeless tobacco use by 62.9 percent.

Given the record lows in youth tobacco use and continued declines in youth vapor product use, policymakers must refrain from prohibitionist policies that would hinder adult access to harm reduction products.

Youth Tobacco and Vape Use
U.S. Middle and High School Students



Young Adult Smoking Rates

As e-cigarettes have disrupted the traditional tobacco market, policymakers have shifted their attention towards youth use and subsequent smoking initiation. Despite the rhetoric, the introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.

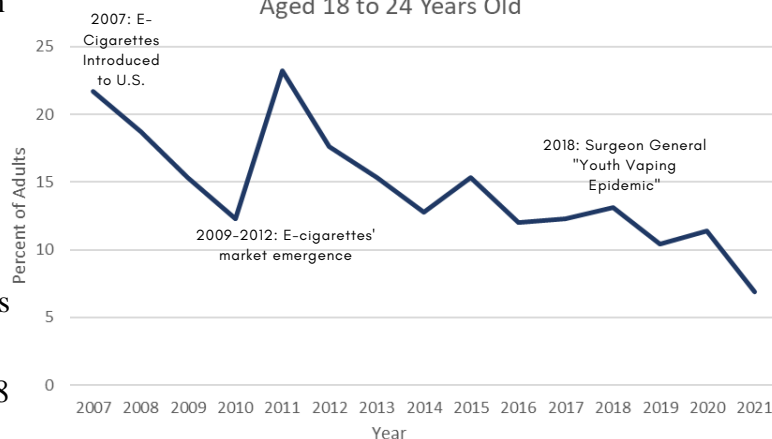
E-cigarettes first came to U.S. market in 2007, when 21.7 percent of Hawaiians aged 18 to 24 years old were currently smoking. In 2018, public health purported to a so-called “youth vaping epidemic,” when 13.1 percent of young adults in the Aloha State were smoking. Between 2007 and 2018, young adult smoking rates declined by 39.6 percent. Further, since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.

Though data is limited to only three years, increases in vaping correlate with decreases in smoking.

In 2017, (among 18- to 24-year-olds) 12.3 percent and 12.2 percent were currently using combustible cigarettes and e-cigarettes, respectively. Between 2017 and 2021, current cigarette use among young adults decreased by 43.9 percent while vapor product use increased by 100.8 percent.

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

Current Smoking Rates Among Hawaii Adults
Aged 18 to 24 Years Old



Tobacco & Vaping 101: Hawaii 2023

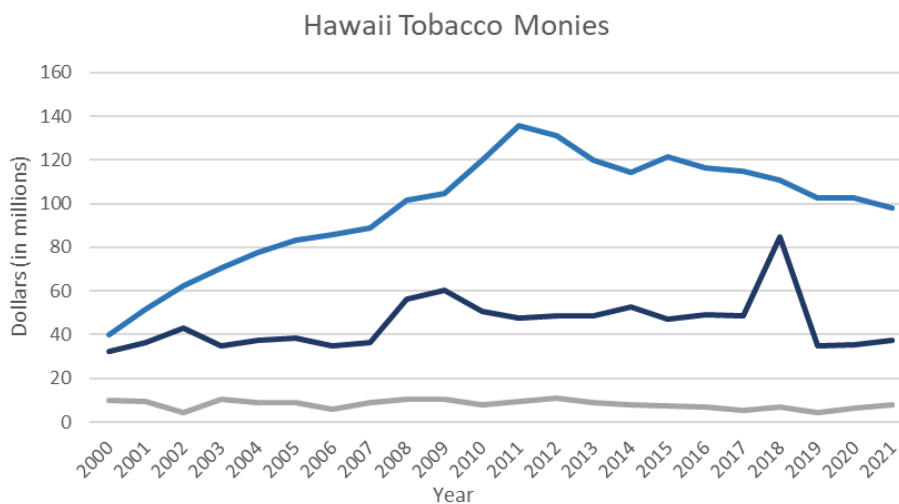
Tobacco Monies

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

In 2021, the Aloha State collected nearly \$98.1 million in state excise tax revenue from combustible cigarettes. This was a 4.2 percent decline from 2020's \$102.4 million. Between 2001 and 2021, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$37.5 million in settlement payments in 2021, a 6.2 percent increase from 2020's \$35.3 million. Since 2000, the Aloha State collected nearly \$997 million in tobacco settlement payments.

While Hawaii collected an estimated \$135.6 million in tobacco-related monies in 2021, the state allocated only \$7.9 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 23.4 percent increase in funding from 2020 levels. This amounts to 8.1 percent of taxes and 21.1 percent of settlement payments. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



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— Cigarette Taxes — Tobacco Settlement Payments — Tobacco Control Funding

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3. Data on youth tobacco and vapor product use comes from the National Youth Tobacco Survey, accessed in December, 2022. https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm.
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**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 8, 2023
Re: HB 551 RELATING TO HEALTH.**

Good morning Chair Matayoshi and members of the House Committee on Labor & Government Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting 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, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We OPPOSE HB 551 Relating to Heath. This measure prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. Authorizes the department of health to appoint, commission, or contract for services of inspectors. Establishes two full-time equivalent program specialist position and one full-time equivalent hearing officer position; appropriates funds; and is effective 1/1/2024.

It is our understanding that **e-liquid available worldwide are “flavored.” Because many do not contain tobacco, e-liquids have no “natural tobacco” taste, or any taste for that matter, without the addition of flavorings.** These flavored e-liquids are enjoyed by many adults as well as menthol cigarettes, cigars, chewing and pipe tobacco.

This bill would **essentially ban all e-liquids as well as flavored tobacco products and compel people to purchase these goods online or on the black market or on military bases or try to make it themselves and essentially force many small local businesses who sells these items to shut down**, thus leaving many of our family, friends, and neighbors out of work.

If this is to deter underage use, Hawaii currently has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids, and tobacco products. However, adults that are 21 and older are able to purchase these items and enjoy them like menthol cigarettes or an electronic vaping device with their favorite flavored e-liquid.

We also want to make it clear that retailers are not the ones selling the vaping devices to those who are under 21 years of age. **Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market.** We have seen a significant spike in theft and tobacco and vape products are a favorite to be stolen. Those selling the stolen goods do not care to see how old someone is.

In addition, vapor products and e-liquids are NOT the same as a tobacco product. The New England Journal of Medicine published found that **electronic vaping devices were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking.** The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

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



Hearing on 2-8-23

Testimony in Strong Opposition to House Bill 551

Dear House LGO Committee,

The Hawaii Smokers Alliance STRONGLY OPPOSES HB 551) relating to the ridiculous prohibition of flavors for vaping and tobacco products on retailers, constituents, and visitors that enjoy e-cigarette.

The pernicious House Bill 551 is strongly opposed for the following reasons:

1. This flavor ban will place local retailers at a massive disadvantage when they now have to compete with online, smuggled, or person to person transactions. The vape products have a much higher value to volume ratio than most traditional tobacco products making them highly prone to smuggling, mailing, or in person transport from the mainland. Making the flavored products not available in stores will close many a retailers' door.
2. This bill is undoubtedly a companion bill to the 70% tax increase (HB537). The anti-smoking lobbyists had to split it up because a prior unsuccessful bill covered too many topics at once. Combined with the flavor ban and this tax increase, local vape retailers as well as more of our rapidly disappearing civil liberties are doomed.
3. In addition HB551 will also be immediately countered by simply adding flavoring not intended for vaping into the product. This flavoring will not have been tested for compatibility and could certainly cause health risks that otherwise would not occur.
4. Simply put, this bill WILL NOT WORK because of the ease of subverting it. The only people that will "win" are anti-smoking lobbyists that get a performance bonus for passing HB551.
5. Additionally, the major of users of these products are Democrats. We simply can't understand why the majority party would attack its' own voters with a bill such as this and turn people away from their own party or to more reasonable Democrats wanting to gain office in the primaries.

Respectfully request that this shameful bill which is doomed to fail not leave the LGO committee. Thank you for your time.

Sincerely,

Michael Zehner, Co-chair of the Hawaii Smokers Alliance.

808-952-0275. Hawaiiismokersalliance.net

HB-551

Submitted on: 2/7/2023 4:28:28 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rima S. Khoury	National Hookah Community Association	Support	Remotely Via Zoom

Comments:

The National Hookah Community Association (NHCA) brings together, and serves as the voice of, hookah producers, distributors, sellers, lounge owners, consumers, and community members who support the preservation of hookah’s cultural traditions. We are writing to request that as you consider a ban on flavored tobacco products, you acknowledge the cultural significance of hookah to minority and immigrant populations as well as the lack of youth access to, and use of, the product. California took a historic step just last month by enacting a statewide ban on flavored tobacco products, which exempted hookah, for these reasons. NHCA has worked with California, and with many other state and local governments including Colorado, Columbus, Denver, San Diego, San Jose, Los Angeles, and others, to include exemptions for hookah in recent flavor ban legislation. Hookah is a small category in the tobacco space, making up only roughly 0.005% of nicotine product sales. However, hookah is an important cultural practice to many and one that has existed for centuries, originating in the Middle East and India. Today, a broad cross-section of immigrants in the U.S. from around the world enjoy hookah at home and in lounges as a centerpiece for cultural, business, and social gatherings. Hookah is widely used by Middle Eastern, Armenian, Turkish, East African, Indian, Persian, Indonesian, and other minority immigrant citizens. Hookah lounges across the country have come to serve as safe gathering places for many diverse ethnic and religious communities. Despite the importance of this social practice and tradition, NHCA members continue to find that many policymakers are often unfamiliar with hookah, its practice, and its community. NHCA fully supports efforts to eliminate youth access and usage of tobacco products, including hookah. Hookah is unlikely to be used or consumed by youth for many reasons. Hookah water pipes are expensive, several feet tall, not easily concealed, and the setup for use is a lengthy process. Lounges that offer hookah are restricted to of-age customers, preventing teens from accessing the product. Recent research by the Centers for Disease Control and Prevention (CDC) found that of those middle and high school students who reported using tobacco, just 1% used hookah in the past 30 days, ten times less than the number of teens or youth who vape. Shisha, the product used in hookah, is a combination of tobacco and a sugar substance such as honey or molasses, and the total product is only comprised of approximately 15% tobacco. As has been the practice for hundreds of years, hookah is, by nature, a flavored product. Unfortunately, noble efforts to address the teen vaping epidemic by banning flavored tobacco also would result in the ban of ALL hookah. A ban on hookah would not only eliminate this important cultural practice for many U.S. citizens, but could also shutter many small, independent, and minority owned businesses. Many of these businesses serve as community gathering places for immigrant populations in cities across the country. Many hookah users are part of religious or ethnic populations that already face discrimination. Eliminating this cultural practice would make many feel as though they are

misunderstood and targeted as an outsider by lawmakers and regulators. We ask that you do not target this important cultural practice and shutter minority and immigrant owned businesses. Please grant an exemption hookah for both retail and lounges from the scope of any flavored tobacco ban legislation. National Hookah Community Association

HB-551

Submitted on: 2/7/2023 5:21:51 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Support for HB 551

The Friends of Kamalani & Lydgate Park is a volunteer workforce dedicated to strengthening community bonds.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).

Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Please advance this Bill.

Mahalo,

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



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Honolulu, Hawai`i 96813

Phone: (808) 489-9549

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Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Jefferson Gourley, Secretary

Judith F. Clark, Executive
Director

Network Membership

Bay Clinic

*Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council*

Bobby Benson Center

*Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.
Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice*

Center of Maui

Get Ready Hawai`i

Hale Kipa, Inc.

Hale `Opio Kaua`i, Inc.

Hawai`i Children's Action Network

Hawai`i Health & Harm Reduction Center

Ho`ola Na Pua

Ho`okele Coalition of Kaua`i

Ka Hale Pomaika`i

Kahi Mohala

Kokua Kalihi Valley

Kaua`i Planning and Action Alliance

Maui Youth and Family Services

Na Pu`uwai Molokai Native

Hawaiian Health Care

Systems

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

Parents and Children Together

PHOCUSED

PFLAG – Kona, Big Island

Planned Parenthood of the

Great Northwest, Hawaii

Alaska, Kentucky, Indiana

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

February 7, 2023

To: Representative Scot Matayoshi, Chair,
And members of the Committee on Labor and Government
Operations

TESTIMONY IN SUPPORT OF HB 551 RELATING TO HEALTH

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 456 Relating to Youth.

Flavored tobacco is extremely damaging to the health and future of youth both in Hawaii, and the United States. Tobacco companies are using well known and liked flavors, such as watermelon or grape, to draw in youth who are not yet aware of the damage such products can cause. Tobacco products such as this can act as gateways to later addictions, which is not only damaging to health, but to future careers and stability. The nicotine in commonly found flavored vape products, for example, is capable of slowing brain development in people up to their late teens. This is extremely damaging as it is not only taking advantage of a younger age group, but actually damaging their development. Such a setback early in life can have heavy consequences later on in adulthood.

In addition, many schools are battling to keep their students out of the bathroom during class hours. Rather than spend time in class learning, students skip in favor of vaping in restrooms or on the edges of campus. Not only does this affect those who vape, but also any and all students who end up walking through toxic vape clouds while simply trying to use the restroom. The fumes in restrooms can cause lightheadedness, coughing fits, and even eye irritation for nearby students.

By allowing flavored tobacco products to remain on the shelf, Hawaii is knowingly allowing companies to use familiar flavors to take advantage of the youth, causing damage to them and their peers.

Thank you for this opportunity to testify.

Respectfully submitted,

Abby Evans

Abby Evans
Legislative Intern

Judith F. Clark

Judith F. Clark, MPH
Executive Director



February 8, 2023

The Honorable Scot Z. Matayoshi, Chairman
The Honorable Andrew Takuya Garrett, Vice Chairman
House Committee on Labor & Government Operations

Dear Chairman Matayoshi, Vice Chairman Garrett, and Members of the Hawaii House Committee on Labor & Government Operations,

On behalf of National Taxpayers Union (NTU), we write to offer our opposition to legislative proposal HB551. While we acknowledge the well-meaning legislative intent and the importance of reducing nicotine addiction and improving overall health, Hawaiians will not be well served should this provision become law. Before proceeding with final deliberations, NTU urges you to bear in mind the following observations from a health and regulatory policy perspective.

Innovative products and market-driven solutions have led to fewer Americans smoking and more quitting than ever before. These alternative products are not completely risk free, but they significantly reduce the harm incurred by traditional cigarettes. Smoke-free products do not burn tobacco, therefore, they emit lower levels of harmful chemicals compared to cigarettes. Electronic smoking devices do not produce tar or carbon monoxide, two of the most harmful elements in tobacco smoke. Blanket flavor bans have the potential to upend the recent gains made over the past few years and push those addicted to nicotine back to using far more dangerous products.

Providing consumers with safe choices and increasing public awareness of the dangers associated with the risks of various products will lead to more effective results than legislative bans. Lawmakers should avoid policies that will affect millions of adults who rely on the availability of these products as a way to improve their overall health. We request that members of this committee focus their time and resources on embracing any and all alternatives that reduce smoking dependency.

To achieve the goal of a smoke-free future, state government must listen to the scientific community and recognize the important role these products play in improving the health and wellness of Hawaiians. HB551 blatantly ignores scientific research which suggests most of the health consequences of smoking cigarettes is directly correlated to the carcinogens emitted from combustible products.

Section 1 of this proposal states, “tobacco use is a serious public health problem in terms of human suffering and loss of life,” yet the Hawaiian legislature is considering enacting a law that

is undeniably counterintuitive to the author's intention. Lawmakers should bear this consideration in mind in order to avoid missteps that create unintended consequences. NTU shares the goal of tobacco reduction with lawmakers and recognizes the health challenges faced by taxpayers. To the extent public officials wish to examine policy responses that will positively impact our common objective of decreasing tobacco use, many free-market, pro-taxpayer options exist.

We hope you stand with the residents of Hawaii and oppose HB551. Thank you for your time and consideration of NTU's comments, please reach out should you have any questions.

Sincerely,

Jessica Ward
Senior Director of State Affairs
National Taxpayers Union
jward@ntu.org

Hawaii
House Labor & Government Operations
Testimony: HB 551 Prohibiting Sale of Flavored Tobacco Products
Guy Bentley, Director of Consumer Freedom, Reason Foundation
February 8, 2023

Chair Matayoshi and members of the committee,

Thank you for the opportunity to submit testimony on the proposed ban of flavored tobacco products.

My name is Guy Bentley, and I am the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind this measure to limit tobacco use, especially among youth, is to be applauded. However, the track record of such prohibitions should raise significant concern that the proposed ban would promote further inequalities in the criminal justice system, simply push sales and tax revenue to other jurisdictions, and increase the illicit tobacco trade while failing to improve public health.

Case Studies: Massachusetts, Canadian Provinces, and the European Union

Massachusetts' ban on flavored tobacco products went into effect in June 2020. My colleague Jacob Rich, based out of the Center for Evidence-Based Care Research at the Cleveland Clinic, analyzed the ban's impact by comparing cigarette sales in Massachusetts before and after the ban was implemented. He found a net increase in cigarette sales of 7.2 million packs within Massachusetts and its bordering states in the twelve months to June 2021 compared to sales in the twelve months to June 2020.¹

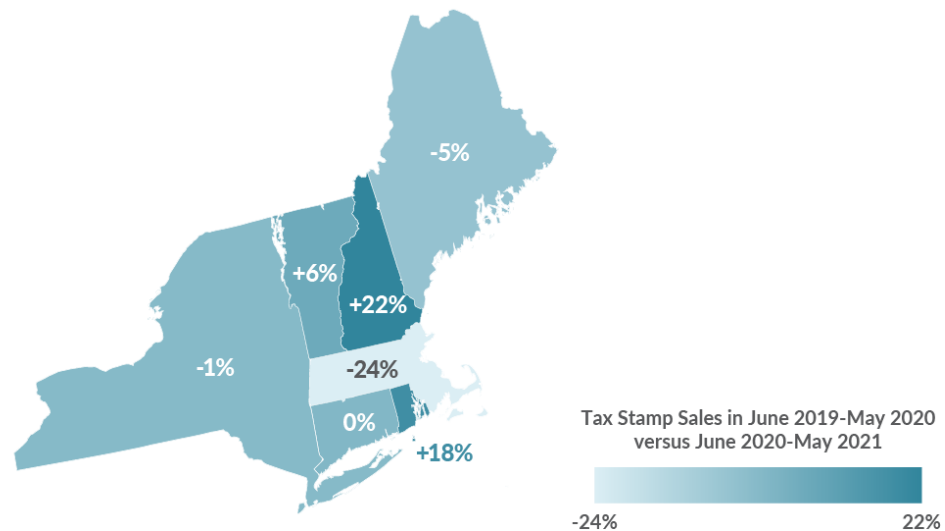
Massachusetts also saw a 15.6 million pack increase in non-menthol cigarette sales in 2021, likely due to consumers switching products after the flavored tobacco ban's implementation.

¹ Jacob Rich. "Estimates of Cross-Border Menthol Cigarette Sales Following the Comprehensive Tobacco Flavor Ban in Massachusetts." MedRxiv. April 27, 2022.
<https://www.medrxiv.org/content/10.1101/2022.04.24.22274236v1>

Additionally, with consumers turning to neighboring states and black markets, according to the Tax Foundation, Massachusetts lost \$125 million in tobacco tax revenue in its 2021 fiscal year.²

Tobacco Flavor Bans Move Sales to Neighboring States

Tax Stamp Sales in June 2019-May 2020 versus June 2020-May 2021



Source: Orzechowski & Walker Survey of State Departments of Revenue; Author's calculations.

TAX FOUNDATION

@TaxFoundation

Flavored tobacco bans in other countries have yielded similar unintended results. According to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition implemented from 2015-17 significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking as they substituted products rather than quit.³ "Difference-in-differences models using national survey data return no evidence that provincial menthol cigarette bans affected overall smoking rates for youths or adults," wrote the study's authors.

The world's largest experiment in menthol prohibition is the European Union, which includes 27 countries and had a population of 447 million people as of 2020. The EU menthol ban became effective in May 2020. Before the ban, Poland had the largest menthol cigarette market in the

² Ulrik Boesen. "Massachusetts Flavored Tobacco Ban: No Impact on New England Sales." Tax Foundation. February 3, 2022.

<https://taxfoundation.org/massachusetts-flavored-tobacco-ban-sales-jama-study/>

³ Christopher Carpenter, Hai V. Nguyen. "Intended and Unintended Effects of Banning Menthol Cigarettes." *The Journal of Law and Economics*. August 2021.

<https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

EU, making up 28 percent of total menthol sales. An analysis of Poland funded by the Norwegian Cancer Society in partnership with the Polish Ministry of Health found no statistically significant decline in cigarette sales in Poland after the ban.⁴ “We find that menthol cigarette sales fell at least 97% after the menthol cigarette ban across Poland and standard cigarette sales replaced them,” write the study’s authors.

Food and Drug Administration Review and Tobacco Harm Reduction

The Food and Drug Administration (FDA) recognizes there is a “continuum of risk” when it comes to tobacco products, with cigarettes being the most dangerous and alternatives such as e-cigarettes, smokeless tobacco, nicotine pouches, and heated tobacco products being less dangerous.⁵ As such, when FDA authorizes a new tobacco product for sale, it must be evaluated as to whether it is “appropriate for the protection of public health,” meaning the product must provide a net benefit to public health.

HB 551 would ban the sale of several products that the FDA has deemed to be net beneficial to public health and authorized for sale. For example, Swedish Match’s General Wintergreen Portion White Large, General Nordic Mint Portion White Large - 12ct, General Mint Portion White Large, and General Dry Mint Portion Original Mini have also obtained Modified Risk Grant Orders from FDA. These orders allow Swedish Match to inform the public about the benefits of switching from cigarettes to these reduced-risk products. According to the FDA, the claim “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis” is scientifically accurate.⁶

If Hawaii chooses to ban these products, it will ban products that reduce the harm and risk of tobacco-related diseases.

In 2021, the U.S. Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed net beneficial, it will be authorized for sale as appropriate for the protection of public health.

⁴ Liber, Alex C. and Stoklosa, Michal J. and Levy, David and Sánchez-Romero, Luz María and Cadham, Christopher J. and Pesko, Michael. “A Bite-Style Model to Evaluate Poland’s Menthol Cigarette Ban.” Available at SSRN: <https://ssrn.com/abstract=3946277>

⁵ U.S. Food and Drug Administration. “FDA Authorizes Modified Risk Tobacco Products.” May 2020.

⁶ U.S. Food and Drug Administration. “Scientific Review of Modified Risk Tobacco Application (MRTPA) Under Section 911 (d) of the FD&C Act - Technical Project Lead.” <https://www.fda.gov/media/131923/download>

If Hawaii passes House Bill 94 into law and bans these products prior to the FDA concluding its review, it would limit consumer access to products the FDA may deem as positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned while half said they would find a way to get their preferred flavor. Of most concern to public health officials and lawmakers should be the finding that close to one in five vapers said if their preferred flavor was banned they would stop vaping and smoke traditional cigarettes instead.⁷

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to reduce youth vaping, policymakers should recognize that, according to the 2022 National Youth Tobacco Survey (NYTS) by the Centers for Disease Control and Prevention (CDC), 86 percent of high schoolers are not using e-cigarettes at all and 98 percent are not smoking combustible cigarettes. Data released by the CDC also shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason why young people say they start vaping is curiosity, followed by peer influence or family members. Availability in flavors, such as mint, candy, fruit, or chocolate, comes as a very distant third in the survey.⁸

Research suggests banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents. In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University's Abigail Friedman found that after the flavored tobacco ban was enacted, San Francisco area youth were twice as likely to smoke compared to young people in similar jurisdictions that had not enacted tobacco flavor bans.⁹ "While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health," found Friedman.

⁷ Gravely, Shannon et al. "Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States." *Addictive Behaviors*. Volume 125. February 2022.

<https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

⁸ Wang TW, Gentzke AS, Creamer MR, et al. "Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019." *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down

⁹ Friedman AS. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California." *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

According to a 2020 study by Yale School of Public Health researchers, e-cigarette flavors are positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.¹⁰ The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies in helping smokers quit smoking cigarettes.¹¹ Prohibition of flavored e-cigarettes, which are overwhelmingly the preferred choice for adult vapers, risks worsening public health by driving vapers to smoke while also fueling illicit markets and hurting local economies by forcing the closure of Hawaii vape shops.

The proposed ban on flavored e-cigarettes carries potential negative consequences for the health of Hawaii's citizens. It would also hurt the state's economy.

Thank you for your time. I would be happy to answer any questions.

Guy Bentley, Director of Consumer Freedom, Reason Foundation
guy.bentley@reason.org

¹⁰ Abigail S. Friedman, PhD; SiQing Xu, BS. "Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation." *JAMA*. June 5, 2020.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787>

¹¹ Cochrane Review. "Updated Cochrane Review shows electronic cigarettes can help people quit smoking." November 17, 2022.

<https://www.cochrane.org/news/latest-cochrane-review-finds-high-certainty-evidence-nicotine-e-cigarettes-are-more-effective>

HB-551

Submitted on: 2/2/2023 6:04:26 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

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HB-551

Submitted on: 2/3/2023 9:17:46 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gracie Flores	Individual	Support	Written Testimony Only

Comments:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

HB-551

Submitted on: 2/3/2023 9:21:56 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Yamamoto	Individual	Support	Written Testimony Only

Comments:

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products - **including menthol** - will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

HB-551

Submitted on: 2/3/2023 10:00:38 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Strong support. Thank you.

Written Testimony Presented Before the
House Committee on Labor and Government Operations

February 8, 2023 at 0930hrs

By

Roxann Rowe, APRN-Rx, GNP-BC

HB551 RELATING TO HEALTH

Members of the House Committee on Labor and Government Operations, thank you for this opportunity to provide testimony in very strong support of this bill HB551. I am an Advance Practice Registered Nurse and also a Native Hawaiian and greatly appreciate this Committee's support of HB551. As a health care provider, I provide care for patients who suffer from the effects of smoking and tobacco abuse. Many, if not, most of my patients started smoking when they were teenagers or very young adults. If we can deter teenagers and young adults from ever starting the use of tobacco then we will impact the health of our community in a very positive way. According to the CDC statistics **Cigarette smoking causes about one of every five deaths in the United States each year.**^{1,6} **Cigarette smoking is estimated to cause the following:**¹

- More than 480,000 deaths annually (including deaths from secondhand smoke)
- 278,544 deaths annually among men (including deaths from secondhand smoke)
- 201,773 deaths annually among women (including deaths from secondhand smoke)

Cigarette smoking causes premature death:

- Life expectancy for smokers is at least 10 years shorter than for nonsmokers.^{1,2}
- Quitting smoking before the age of 40 reduces the risk of dying from smoking-related disease by about 90%.

[Tobacco-Related Mortality | CDC](#)

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these

products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

I respectfully request that this Committee pass HB551, un-amended. Mahalo for the opportunity to testify.

HB-551

Submitted on: 2/3/2023 11:35:13 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I am in strong support of HB551. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

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

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol products.

I ask the committee to please support HB551 and prohibit the sale of **ALL** flavored tobacco and electronic smoking devices, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

This bill also requires tobacco and vaping companies to use transparent and clear wording that these products indeed do contain nicotine. Currently, youth get confused and think they are using products that are nicotine-free, which is in fact not true.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco and electronic smoking devices (including menthol, mint, and wintergreen) have the greatest appeal to youth. We must end the sale of these products and create better transparency that these products include a great amount of addictive nicotine.

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

Epidemiologist and Public Health Educator

HB-551

Submitted on: 2/3/2023 11:39:32 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Fox	Individual	Support	Written Testimony Only

Comments:

I support HB551.

This bill would create necessary regulations on e-cigarettes in Hawai‘i to help protect our youth in Hawaii from the well-documented harms of e-cigarettes.

In Hawai‘i, one in three high school students and one in five middle school students report that they currently use e-cigarettes, or “vapes”. E-cigarettes are now the most popular tobacco product among youth – and that’s largely because these products are not subject to many of the regulations other tobacco products are subject to.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction. Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.

To protect our youth and reduce the burden of tobacco in our communities we must include menthol.

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

Mahalo for your work to keep our keiki safe by ending the sale of flavored tobacco products.

Dr. Colleen Fox,

Makiki, Hawaii

HB-551

Submitted on: 2/3/2023 11:57:20 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenni Guillen	Individual	Support	Written Testimony Only

Comments:

I used to think that vaping was cool and harmless. I started using e-cigarettes with my friends, thinking that it wouldn't be a big deal. But I was wrong.

After only a few months of use, I started to feel the consequences. I became addicted to nicotine and couldn't concentrate in school. My grades were suffering, and I felt moody and irritable all the time. I also started to experience persistent cough and wheezing.

I went to the doctor and found out that my lungs were severely damaged from the chemicals in the e-liquid. I had to stop using e-cigarettes and go through a long and difficult process of healing.

Now, I want to warn other kids about the dangers of vaping. It's not cool or harmless, it's dangerous and can seriously harm your health. Don't make the same mistake I did. Protect your health and choose not to vape.

HB-551

Submitted on: 2/3/2023 1:00:23 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bridget Kaumeheiwa-Velasco	Individual	Support	Written Testimony Only

Comments:

February 3, 2023

HB 551

IN SUPPORT

Aloha Representatives Matayoshi, Garret, and others in the House LGO:

I am in support of HB 155. Please protect our keiki and follow the lead of 5 other states that have already enacted legislation to limit flavored tobacco sales and end deceitful nicotine-free claims.

The temptation offered by the shrewd, skillful, and targeted marketing of flavored tobacco products is enticing to our children and can trap them into a dangerous and costly lifelong habit of addiction to nicotine via e-cigarettes.

Native Hawaiian, Filipino and other local kids are exposed to the candy-looking, “cool” and affordable products via advertising in our malls, convenience stores and on-line, and there are limited resources to regulate what should be an over-21 product.

Thank you for not waiting for proper FDA regulation. Please pass HB 551.

Mahalo

HB-551

Submitted on: 2/3/2023 3:32:53 PM

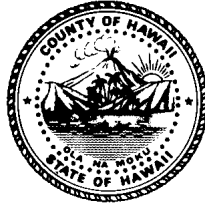
Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Heaukulani	Individual	Oppose	Written Testimony Only

Comments:

When Hawai'i was illegally occupied by America, Hawai'i became a part of this country that says we have Freedom. Freedom of choice. I should have the Freedom to choose if I want to smoke menthol tobacco or flavored vape products. I strongly oppose this bill. This bill will create a huge black market for people to bring them in illegally. I'd rather support a bill to ban flavored alcohol!

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI‘I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai‘i 96720

DATE: February 3, 2023
TO: House Committee on Labor and Government Operations
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 551

Aloha Chair Matayoshi, Vice Chair Garrett, and members of the Committee,

I am writing to you in strong support of HB 551. This is a long overdue and very important bill to help protect the health and safety of our keiki. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If we are aiming to protect our keiki and reduce the burden of tobacco in our communities, then we must include menthol.

Another important thing to note is that ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth. Please pass HB 551 to help end the sale of flavored tobacco products and mislabeling of e-liquids.

Mahalo,

A handwritten signature in black ink, appearing to read 'Jennifer Kagiwada'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Jenn Kagiwada

HB-551

Submitted on: 2/3/2023 5:03:55 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Peggy Brandt	Individual	Support	Written Testimony Only

Comments:

I am writing in support of HB551. As a school counselor and a person trained in public health, I recognize the importance of the environment and not giving children certain choices that are contrived in order to make them lifelong addicts/customers.

Please pass HB551 so that our keiki will not be subject to the enticements of flavored tobacco products, including menthol. It's a matter of health, it's a matter of equity.

Thank you.

HB-551

Submitted on: 2/3/2023 6:19:40 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Philips	Individual	Support	Written Testimony Only

Comments:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.

HB-551

Submitted on: 2/3/2023 10:35:30 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Aloha, my name is Logan Kekoa Lau, and I am from ‘Āina Haina and am a current freshman at Stanford University. Today, I stand in strong support of HB 551.

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

Thus, I believe a ban on flavored tobacco products including menthol is crucial in order to keep our Keiki (my peers) safe for generations to come. Menthol, in particular, is responsible for the minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes ([Hawai‘i BRFS](#)). The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians (like myself) die from lung cancer at one of the highest rates among other ethnic groups ([American Cancer Society](#)). To quantify this impact, a recent report found that 21,000 youth alive today in Hawai‘i will ultimately die from a tobacco-related illness if smoking rates do not decline ([CTFK](#)). Thus, it’s no wonder why it’s the number one cause of death in the U.S. and the world and why the time to act is now ([CDC](#)).

With the explosion of the youth vaping epidemic in Hawai‘i, coupled with the COVID-19 pandemic and the toll it has on our lungs, time is of the essence. For far too long, BIG tobacco has used illusive marketing strategies, which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market-15,586 to be exact-and little regulation involving their sale, the industry has no incentive to stop selling them ([NCBI](#)). These flavors ultimately entice younger generations and get them hooked on nicotine. This is also evidenced by the significant spending budgets that major tobacco companies allocate towards advertising. According to recent Federal Trade Commission (FTC) reports on tobacco marketing, the five largest tobacco companies spend approximately \$8.4 billion per year, which equates to

over \$23 million every day, to promote their products, and entice young kids ([FTC](#)). However, as outrageous as that figure may sound, nothing garners more disgust than when Lorillard Tobacco-now Reynold American the 2nd largest tobacco company in the U.S.-exec TL Archey said “The base of our business is the high school student.” That said, it’s no wonder that 95% of smokers start before the age of 21 ([NCBI](#)).

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

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

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

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HB-551

Submitted on: 2/4/2023 8:27:09 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

We are in the midst of a youth vaping epidemic. In Hawai‘i, one in three high school students and one in five middle school students report “current use” of e-cigarettes.

With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people’s use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting our keiki.

Please support HB551

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-551

Submitted on: 2/4/2023 9:51:32 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ASHLEY MATTOS	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-551

Submitted on: 2/4/2023 11:29:09 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsey Leialoha	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-551

Submitted on: 2/4/2023 11:31:48 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Naomi Muronaka	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE THIS BILL. Adults 21 and over have the right to choose what they're like to smoke.

Date: February 4, 2023

To: The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
Members of the House Committee on Labor & Government Operations

Re: **Support for HB 551**, Relating to Health

Hrg: Wednesday February 8, 2023 at 9:30 AM Conference Room 309 via Videoconference

Aloha House Committee on Labor & Government Operations,

As a parent, community member and healthcare professional I am writing in **strong support of HB 551**, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free; authorizes the department of health to appoint, commission, or contract for services of inspectors; establishes two full-time equivalent program specialist position and one full-time equivalent hearing officer position; and, appropriates funds, effective 1/1/2024.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for more than 6 years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

Flavors in tobacco products entice our youth, while the nicotine alters the development of their brains, keeping them hooked for life. In 2020, 80% of Hawaii youth who currently use e-cigarettes reported using a flavored product, up from 70% in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco products will advance health equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth. Menthol is notorious for its ability to mask the harshness of tobacco, making it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must remove mint and menthol along with all other flavors.

I **strongly support HB 551**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-551

Submitted on: 2/4/2023 12:20:29 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I oppose this bill.

HB-551

Submitted on: 2/4/2023 12:47:54 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erica Yamauchi	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Rep. Scot Z. Matayoshi, Vice Chair Rep. Andrew Takuya Garrett, and Committee Members:

I am writing in support of this legislation.

We know that flavors in tobacco products are highly enticing to youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). And youth are trying these products earlier and earlier.

Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its cooling ability, that masks the harshness of straight tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol as a flavored tobacco product.

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

Thank you for the opportunity to submit testimony.

Erica Yamauchi, Kaimukī/Wilhelmina Rise

HB-551

Submitted on: 2/4/2023 1:52:36 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I OPPOSE THIS BILL

HB-551

Submitted on: 2/4/2023 2:20:02 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kili Hall	Individual	Oppose	Written Testimony Only

Comments:

Flavored tobacco is no different from regular tobacco. It's a new way of smoking and we shouldn't limit ours hawaii citizens to be stuck with regular tobacco. if flavored tobacco was banned from hawaii, many shops would go out of business, the gross regular smelling tobacco will be more and more used and hawaii would become just like canada and california, we're better then that and our rights as hawaii citizens should be thought of as well. flavored tobacco does no more harm then regular tobacco and we should continue to allow these products in the state of hawaii.

HB-551

Submitted on: 2/4/2023 2:32:52 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cara valenzuela	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill strongly

HB-551

Submitted on: 2/4/2023 4:24:46 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Aloha Chair Scot Matayoshi and members of the Committee on Labor and Government Operations,

I'm Zoey, a local youth from Nu'uuanu/Liliha, and I strongly support HB551.

As a youth that has personally seen the impacts of tobacco on my family members and friends, namely my grandpa who had passed away from tobacco use as well as my many fellow peers in middle school, I strongly support the bill to regulate e-cigarettes as any other tobacco product.

Taxing and restricting the online sale of e-cigarettes will undoubtedly help prevent youth addiction to these products, especially since inexpensive accessibility and unregulated online sales have been primary sources of tobacco products for Hawaii kids in high school, middle school, and even elementary school. I've seen it first hand, when my fellow classmates and friends would fill the school bathrooms with sickly sweet scents of cotton candy using vapes that they bought online with just the click of a button. 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 and prevent further health consequences on kids like myself.

Therefore, I urge the committees to strongly support HB551, so that we can finally and truly prevent the dangers of tobacco from affecting both my generation and our future generations.

Mahalo,

Zoey Duan

TESTIMONY HB551

I am a long-time Kauai pediatrician, and I am writing in that role to support HB551 banning flavored tobacco products and mislabeling e-liquids as nicotine-free. We are in the midst of a vaping epidemic in Hawaii, with startling statistics – 1/3 of high school students and about 1/5 of middle school students are regular vapers. E-cigarettes and other flavored products are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. Vaping products contain much higher nicotine concentrations than individual cigarettes, which is a strategy put forth by tobacco manufacturers to hook vulnerable teens and preteens and maintain nicotine dependence. Menthol is particularly harmful in vaping liquids and cigarettes because of its ability to mask the harshness of tobacco, thereby making it more palatable. This is a recipe for ever increasing medical costs to treat the long-term consequences of nicotine addiction long into the future. The most practical and expeditious way to prevent introducing vaping liquids to children is to prevent the sale of flavored tobacco products in the first place.

Menthol is also a health equity issue. In Hawaii, 78% of native Hawaiians and Pacific Island smokers use menthol cigarettes. Tobacco companies particularly target specific ethnic groups and children in advertising menthol. Shockingly, 42% of Native Hawaiian students use e-cigarettes.

There is a clear-cut way to greatly reduce flavored tobacco use by our most precious resource – our keiki. That is to eliminate access to all flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility. We owe it to our children

Linda Weiner, MD
Kauai Pediatrician

HB-551

Submitted on: 2/5/2023 1:56:15 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity—disparities in tobacco use are due to the tobacco industry’s history of marketing menthol cigarettes to youth and people of color. In Hawai‘i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai‘i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth. Please support HB551.

HB-551

Submitted on: 2/5/2023 3:08:10 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I can't believe someone could introduce a bill to ban the very products that have allowed me to cut back on my tobacco use. **HB551 is an anti-health bill.**

HB-551

Submitted on: 2/5/2023 4:57:41 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cindy Nettles	Individual	Oppose	Written Testimony Only

Comments:

I oppose ALL of this bill. People don't want to live in a nanny state with messed up regulations coming from bills like this one.

HB-551

Submitted on: 2/6/2023 9:10:20 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Martha Moses	Individual	Support	Written Testimony Only

Comments:

Chairperson Matayoshi and Members of the Committee

I am Martha Moses , a student at McKinley High School writing in support of HB551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. I agree with the bill because of the effect it has on people whether it’s children and those who are in high school and middle school. Even though vaping is more harmless than cigarettes, it still affects the same just like a normal cigarette for example lung injuries, heart problems, brain damage, cancer increase, and Mouth/gum disease. Lung problems and issues will happen when you vape and how you can tell is by trouble breathing, excessive coughing, chest pain, nausea, fatigue, vomiting and fever. In most cases you might be hospitalized, the oil consists of a chemical and metal that is harmful to the lungs like nickel, tin, lead, flavored with diacetyl and other ultra-fine particles. The reported cases by the Centers for Disease Control and Prevention(CDC) found vitamin E acetate in vapes which is a honey-like substance which makes it addictive to those who uses a vape and it causes problems for their health when they inhale it which can stick to your lungs resulting in both injuries and illness. Some vapes can increase the risk of getting cancers, Specialist in internal medicine and adolescent medicine Dr. Nadine Cohen says “Harmful effects of nicotine, both in the short term and long term, are well established,” and “In the short term, nicotine can cause sleep problems and restlessness, as well as other symptoms like nausea, vomiting and mouth and tongue sores. Long term, nicotine—whether you inhale via an e-cigarette or via regular cigarette—causes cancer”. Brain Damage is one of the major risks in vaping by harming the brain that controls moods, learning, attentions and impulse control. Board-Certified Neurosurgeon Dr. Marc Arginteanu says “Injury to stem cells diminish the brain's ability to repair damage for the remainder of a person's life,” as well as “Vaping may, in this manner, lead to an acceleration of the aging process and make the brain more susceptible to neurodegenerative diseases.”. Our mouth is a prime indication of the body’s well being, like how bacteria and issues in the oral cavity are not a way to take care of yourself. Dr. Bill Busch DMD, MAGD says “Vaping may, in this manner, lead to an acceleration of the aging process and make the brain more susceptible to neurodegenerative diseases.” and “Vaping may, in this manner, lead to an acceleration of the aging process and make the brain more susceptible to neurodegenerative diseases.” With less saliva in your mouth because of the mouth drying effects of vaping, plaque bacteria can multiply and an infection below the

gumline can occur which, left untreated can cause infection, turns into gingivitis/periodontal disease. Heart issues can be caused by vaping, it raises blood pressure and spikes our adrenaline which can increase heart rate as well as a risk of a heart attack. Coronary artery disease, depressions and blood circulation problems can potentially increase. vapers are 56% more likely to have a heart attack more than non-users according to studies. It can impair the function of the body's blood vessels and increase the risk of cardiovascular disease. In addition, both cigarettes and e-cigarettes may cause a greater risk than using either products alone. Using e-cigarettes are more likely to have a stroke, 56% are also more likely to have a heart attack than no-users. Dr. Andrew Sauer, Cardiologist and Director of the Heart Failure Program at the University of Kansas Medical Center says "Vaping creates toxicity, inflammation, and stress on the arteries of the heart that appear to be worse than smoking tobacco." Smoking increases heart rate which causes a plaque in Arteries and irregular heart rhythm which forces our heart to work harder than it needs to. Blood pressure heightens because of smoking which increases the risk of stroke. Researches focus specifically on smoking cigarettes, vaping and recent growth in popularity which leaves a long-term impact, particularly on our heart. Dr. Armin Krvavac, a pulmonologist at the University of Missouri Health Care says "This is a particularly concerning area that will become much more talked about in the next few years, especially since the use among teenagers and adolescents has skyrocketed".

Please pass this bill so that others could be aware of the danger they are getting into when they use vape and that it's a serious risk to their health and to who they are as a person.

HB-551

Submitted on: 2/6/2023 9:11:37 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Magdalene Seve	Individual	Support	Written Testimony Only

Comments:

I am support of how house bill 551. This bill is about vaping that is bad for our lungs. Vaping can be addicting and if you continue vaping, you might have hard time breathing because of how much or how long you have been vaping.

HB-551

Submitted on: 2/6/2023 9:13:15 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
gerene cariaga	Individual	Support	Written Testimony Only

Comments:

i am support of bill HB551 because of the vaping thats been happening thought the whole year why does vaping affect in the life of young people that need so stay away from thows chemicals like vaping.

TAKE ACTION NOW

Aloha CTFH,

We have good news. The keiki caucus bill, [HB 551](#) Relating to Health, that would ***End the Sale of Flavored Tobacco products including Menthol*** has been scheduled for a hearing at **9:30 AM on Wednesday, Feb 8**. Please see the notice [HERE](#).

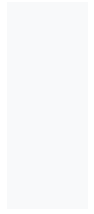
Please **submit testimony in SUPPORT by Tuesday, Feb 7 at 9:30 AM** for it to be considered on-time, but late testimony should be accepted. We have talking points below to help guide your testimony. If you would like to review the bill, you can find the bill page and status [HERE](#).

This measure prohibits the sale of flavored tobacco products including menthol and the misleading of e-liquids as nicotine free. Please look below for some talking points and visit our action alert page [HERE](#).

Talking Points

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).

- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth.



HB-551

Submitted on: 2/6/2023 9:31:11 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colby Sato	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to oppose HB551. Having flavors in a less harmful alternative to smoking has been the reason I have not smoked a cigarette in the last 5 years. If we are to ban these flavors then **WHY CAN'T WE BAN FLAVORED ALCOHOL**, which is clearly marketed to children. The hypocrisy alone is worth reviewing, revising, or completely getting rid of, this new proposed flavor ban Thank you for your time and understanding.

Mahalo,

Colby Sato

Concerned Citizen

HB-551

Submitted on: 2/6/2023 10:17:30 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leon Ajoste	Individual	Support	Written Testimony Only

Comments:

My name is Leon and i am the student at Mckinley high school and I supported HB551. and decide to quit vaping becuase vaping nicotine can cause damage to your health with stress anexity and depression which it means we can end vaping ad cigarette's becuase without flavor tobacco products they can not attempt to use tobacco products so please support HB551 to stop the use of the flavor of tobacco products in Hawaii.

HB-551

Submitted on: 2/6/2023 10:18:39 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan,Mateo-Ruaboro	Individual	Support	Written Testimony Only

Comments:

My name is Nathan,Mateo-Ruaboro and i support HB551 bill,This bill will keep students from vaping because without flavor tobacco products they will attempt to do anything and they will suffer the consequences and effects of vaping so i want to stop the use of tobacco products in hawaii and everyone to by supporting bill HB551.

HB-551

Submitted on: 2/6/2023 10:19:35 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andy Lieu	Individual	Support	Written Testimony Only

Comments:

I am Andy Lieu a student from Mckinley High School and I Support HB551.this bill would keep students from vaping because without flavor tobacco product.they would not attempt to use tobacco product.please support HB551 to stop the use of flavor tobacco products in Hawaii.

HB-551

Submitted on: 2/6/2023 10:20:46 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Aloha,

As a mother and former teenage smoker, I implore you to please ban the sale of flavored tobacco products, INCLUDING MENTHOL. I was enticed in the 90s to start smoking with flavored products like vanilla and strawberry flavored cigarettes and bidis, but menthol is what got me really hooked. I was fortunate and able to quit smoking after about ten years of addiction, but I don't wish that struggle on anyone. Especially my kids, and yours. Please end this insidious tactic used by nicotine peddlers to addict youth as early as possible. It borders on murder, given that we know tobacco kills, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes, and a huge percentage of our children are vaping flavored nicotine products. We (parents, youth, and public health agencies) have been fighting for this for years, please let this be the year we do something about it.

Thank you for considering my testimony.

Katie Folio

Kula, Maui, HI

HB-551

Submitted on: 2/6/2023 10:27:32 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Alicia Wiggins	Individual	Oppose	Written Testimony Only

Comments:

i oppose

HB-551

Submitted on: 2/6/2023 10:33:12 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Riley	Individual	Oppose	Written Testimony Only

Comments:

No

HB-551

Submitted on: 2/6/2023 10:35:03 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenny Chan	Individual	Oppose	Written Testimony Only

Comments:

The vaping community is not asking for this type of legislation. Leave the flavors alone!

HB-551

Submitted on: 2/6/2023 11:03:12 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Santiago	Individual	Oppose	Written Testimony Only

Comments:

Stop trying to take away my rights all the time. Adults have a right to choose.

HB-551

Submitted on: 2/6/2023 11:10:11 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
dillon rellez	Individual	Oppose	Written Testimony Only

Comments:

Americans have a choice to do whatever they want to their body. Stop trying to change things when people are using nicotine to help. There are studies coming out that are showing the right amount of nicotine is healthy for us.

HB-551

Submitted on: 2/6/2023 11:16:52 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I urge you to oppose this bill because it would negatively impact adult smokers who are seeking a smoke free alternative by using vaping devices. Flavor ban is unfair to legal aged smokers across the state. Please oppose this bill!

HB-551

Submitted on: 2/6/2023 11:24:12 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Aloha! I strongly oppose bill HB551! As a person who had quit smoking harmful cigarettes with a healthier alternative such as flavored nicotine products, I strongly oppose this bill! I disagree with the prohibitions of the sale of flavored tobacco products and the "mislabeling" of e-liquid as nicotine free. Some e-liquid products are nicotine free and tobacco free, and are used to quit and slow down on nicotine usage. I would not like department of health to appoint, commission or contact for services of inspectors to be authorized. Once again I strongly disagree & oppose this bill. Thank you!

HB-551

Submitted on: 2/6/2023 11:37:33 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Higa	Individual	Oppose	Written Testimony Only

Comments:

HB551 along with the tax increase bill will destroy vape shops in Hawaii. Once the shipping cost is no longer an issue, I'll just have the flavored products mailed to me. That means local businesses won't get the sales and the government won't get my sales tax.

HB-551

Submitted on: 2/6/2023 11:38:34 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sasha Kauwale	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-551

Submitted on: 2/6/2023 12:14:44 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Rosas Leong	Individual	Oppose	Written Testimony Only

Comments:

I am a 52 year old woman and I was a life long tobacco smoker. I struggled with poor lung health, asthma, frequent respiratory issues. Six years ago I was able to successfully quit tobacco with the aid of vaping. The flavors make it so much easier to make the transition and taste much better than tobacco or menthol flavors. As an adult, I do not like the idea that legislators should have a say in my preferred taste and enjoyment of flavor. It's like saying that you can only eat hay flavored ice cream. Please do not take this away from me.

I am a Hawai'i voter and a taxpayer writing in opposition to HB 551 which would ban the sale of flavored nicotine or tobacco products -- including those that are demonstrably safer than smoking according to the FDA. It should now be clear that such drastic action would cause irreparable harm to the same people it is intended to protect. Moreover, forcing legitimate specialty retailers to close will expose consumers to unnecessary risks including shopping on an unregulated underground market and even returning to smoking. Data from other states and municipalities where flavor bans have been imposed confirm that this policy is creating new problems while failing to address the issue of youth substance use.

HB-551

Submitted on: 2/6/2023 1:44:13 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Giovanni Kekauoha	mckinly high school	Comments	Written Testimony Only

Comments:

Chairperson Matayoshi and Members of the Committee

I am Giovanni Kekauoha, a student at McKinley High School writing in support of HB551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free. Vaping should be banned b/c it attracts young kids. Teenagers between 15 and 17 years of age have a 16 times greater chance of vaping than adults between ages 25 and 34.

HB-551

Submitted on: 2/6/2023 1:45:05 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
paul lacuesta	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-551

Submitted on: 2/6/2023 1:56:35 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jasmyn Kaaa	Individual	Oppose	Written Testimony Only

Comments:

I hope this flavor ban doesn't pass because vaping is what got me off of smoking 2 packs of cigarettes every 2 days. These flavors also helped me to quit smoking cigarettes because there is a more pleasant smell. I don't smell like an ash tray anymore and like cigarettes, the smell doesn't stay on my clothes. I've noticed that after vaping salt nicotine for a few years, my stress levels have decreased, I'm not gasping for air like I used to with cigarettes, and the bottles of juice lasts me a lot longer than cigarettes ever have. I can make a bottle last me about a month. So I went from spending \$100-\$200 a month on cigarettes to \$20 on ONE bottle of juice. If I can't shop at my local vape store, I'll just end up buying it online or buying it out of state and just bringing it back home with me. Either way, I will find a way to get the products I want and need. Thank You!

HB-551

Submitted on: 2/6/2023 4:07:36 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle K.	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Please do your part to pass this bill and make a positive difference among Hawaii's youth. Flavors in tobacco products are harmful to young people who get addicted to them. It is crucial to not only ban flavors, but also all e-cigarettes in Hawaii. The majority of us who do not smoke are tired of smelling polluted air from others smoking and vaping. Do the right thing so that our youth and non-smokers have a chance to live a healthier life in the future. Thank you for your kind consideration!

Sincerely,

Michelle K.

HB-551

Submitted on: 2/6/2023 4:29:33 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan L.K. Lee Loy	Hawai'i County Council - District 3	Support	Written Testimony Only

Comments:

Rep Scot Matayoshi, Chair, Rep Andrew Garrett, Vice-Chair, and members of the Committee on Labor & Government Operations:

HB 551 will end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products, in Hawai'i. It also subjects synthetic nicotine and heated tobacco products to age restriction regulations.

I am expressing my **STRONG SUPPORT** of this bill.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Please support HB551. You don't want to "be the one" to leave a legacy of another generation addicted to nicotine.

HB-551

Submitted on: 2/6/2023 4:36:37 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Rep Scot Matayoshi, Chair, Rep Andrew Garrett, Vice-Chair, and the members of the Committee on Labor & Government Operations:

HB 551 will end the sale of all flavored tobacco products, including menthol cigarettes and synthetic nicotine products, in Hawai‘i. It also subjects synthetic nicotine and heated tobacco products to age restriction regulations.

As a graduate of the University of Hawai‘i School of Public Health and a lifelong resident of the State of Hawai‘i, I am expressing my **STRONG SUPPORT** of this bill.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

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

Please support HB551. You don’t want to “be the one” to leave a legacy of another generation addicted to nicotine.

Shelly Ogata, RN, MPH

HB-551

Submitted on: 2/6/2023 4:50:10 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

I opposed the bill HB551 because it is restricting legal adults alternative options to cigarettes. Many legal adults utilize flavored vaporizers to quit their cigarette addiction, and approving this bill may pusj them back to cigarettes.

HB-551

Submitted on: 2/6/2023 6:38:03 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Owens	Individual	Oppose	Written Testimony Only

Comments:

VERY OPPOSED :(

HB-551

Submitted on: 2/6/2023 6:57:48 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimo Cruz	Individual	Oppose	Written Testimony Only

Comments:

Not only no, but HELL NO!

There's no way I'll obey such a law.

The civil rights of people who vape comes first!

HB-551

Submitted on: 2/6/2023 7:53:17 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dustin Andrews	Individual	Oppose	Written Testimony Only

Comments:

Choosing vapes over cigarettes is a much safer option for your health. It helps you quit smoking to a large extent. The e-liquids used in these devices are less harmful and do not leave any residue, such as tar, in your lungs. Also, it does not affect people and around you when you smoke. Vapes help in reducing your blood pressure, improve your immunity, ease your breathing, and also, make your lungs function normally.

With this in mind, we shouldn't ban flavors or tax them.

Chair Matayoshi of the House Committee for Health and Homelessness

Subject: House Bill 551 Relating to Health

Hearing Date: February 6th, 2023

My name is Bransen Hatakenaka, and I am a junior from Hilo High testifying in support of HB551.

This bill is one that I and many other community members strongly feel is long overdue. A bill whose continual delay has allowed for the proliferation and normalization of vaping among youth.

As a result, it has become the case that no matter where you go, students will tell you of how frequent these occurrences are, and how normal they have become. How normal it is to see a group of students huddled around and passing vapes during class. How normal it is to walk past them and inevitably get a whiff of sweet-smelling vapes, that could severely impact our health. How normal it is to hurt, hearing them wheeze and cough, knowing that we are witnessing those students cripple their lungs and ultimately having their lives consumed by addiction.

And that is exactly the problem. Because of our inaction and unwillingness to protect our youth, we have allowed vaping to become normalized in our school system and state. We have normalized the practice of corporations trapping youth in addiction, and making profits off their deteriorating health.

But this bill will significantly hinder this practice by preventing these corporations from selling products that are blatantly targeted and misleading. No longer will youth be able to gain access to enticingly flavored vapes simply by having older friends or family purchase it for them, as is often the case. By making it much more difficult to obtain these, we are also able to make it harder for youth to get started in the first place or continue their addictions.

And while I am not naive enough to believe that this will completely end vaping among youth, it is the obvious first step of many that we must take to protect our youth. This is why I, and many other students, family, and community members are testifying in strong support of HB 551. And why this bill should have the unified support of legislators to end the corrupting influence of vaping companies on our youth. Thank you for this invaluable opportunity to testify in support of this bill, and for the chance to help protect my peers and community.

Bransen Hatakenaka
Hilo, Hawaii 96720
bransenhataks@gmail.com

HB-551

Submitted on: 2/6/2023 10:28:44 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chant'e Sproat	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of HB551. I have 4 young children, two of which are in elementary school and one in middle school. All of my school-aged children have classmates who have tried or who are currently addicted to flavored tobacco products, mainly vapes. These flavored tobacco products make it enticing for children to try, and then get addicted to. I am alarmed at how many young children have tried these products and find it heartbreaking that it is something that they will probably be addicted to for many years to come. I believe banning flavored tobacco products will help protect our keiki, preventing life-time addictions, and will tobacco for what it really is- a harmful substance.

Mahalo for your time,

Chant'e Sproat

HB-551

Submitted on: 2/6/2023 10:29:19 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Aloha,

As a parent, pediatrician, and medical director of the Kapi’olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

HB-551

Submitted on: 2/7/2023 12:48:54 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
P Kuromoto	Individual	Oppose	Written Testimony Only

Comments:

Hawaii continues to pursue the wrong course on tobacco harm reduction.

It is well-established that non-tobacco flavors are an important factor in adult adoption of vapor products to replace tobacco smoking -- requiring tobacco smokers to only use tobacco-flavored products to quit is cruel and ineffective.

Nicotine products exist on a "continuum of risk" with cigarette smoking far and away the highest risk, by orders of magnitude, and vapor products near the lowest risk.

It is irresponsible for the Hawaii state government to participate in the misguided theory of tobacco control that treats all nicotine products as equally harmful.

Currently, there are laws on the books about purchase and use of nicotine products by those under age 21.

Keeping these products out of the hands of youth is a question of enforcing existing laws, not creating new ones that will keep adults from being able to use minimally risky products to replace highly risky ones.

HB-551

Submitted on: 2/7/2023 6:44:17 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Please pass this measure as this is necessary to end the epidemic of youth nicotine use.

HB-551

Submitted on: 2/7/2023 7:32:05 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikkyia Taliaferro	Individual	Support	Remotely Via Zoom

Comments:

Good morning Representative Scott Matayoshi and Representative Andrew Takuya Garrett,

My name is Nikkyia Taliaferro, an alumna of Moanalua High School and former resident of Salt Lake. I am testifying in strong support of the Keiki Caucus Bill HB 551 which would comprehensively end the sale of flavored tobacco products including menthol. As a former student in the Hawai'i school system, I know firsthand that flavored tobacco use is on the rise. Big Tobacco's use of flavored tobacco products directly impacts the appealing nature of tobacco and entices youth to smoke. Specifically, the use of menthol in these products makes smoking easier to start and harder to quit. Eight out of ten kids who have ever used tobacco products started with a flavored product and that number will continue to increase if we do not pass a comprehensive approach to the youth vaping crisis. I am confident that the committee will see the necessity of ensuring our keiki are protected from the dangers of tobacco and are determined to stop the deceptive and exploitative marketing of big tobacco. Thank you for considering a strong and comprehensive policy without exemptions and for the committee's commitment to protecting our kids, saving lives, and advancing health equity.

Committee on Labor and Government Operations

Rep. Scot Z. Matayoshi, Chair

Rep. Andrew Takuya Garrett, Vice Chair

Members Rep. Jeanne Kapela, Rep. Adrian K. Tam, Rep. Rose Martinez, Rep. David Alcos III and Rep. Jackson D. Sayama

Support for HB551

I am an individual from Mililani, Hawaii writing this testimony in support of the flavor ban bill HB551.

Flavored tobacco is what is responsible for getting a lot of teens addicted to tobacco products, which cause health problems and death. Flavor (especially menthol) masks the harsh taste of tobacco, which makes it appealing to teens. In 2020, 8 in 10 teens reported using a flavored product.

Menthol is the most popular tobacco flavoring among teens. Due to its effectiveness in masking tobacco's harsh flavor, it makes it easier to start using tobacco products (and harder to quit). We must protect Hawaii's youth from the health problems tobacco causes, and this includes banning menthol flavors.

A lot of adults might say that menthol and other tobacco flavors have helped them to quit using tobacco, but more youth have used it to start using tobacco than adults that have used it to quit. It is in the best interest of Hawaii's youth to ban tobacco flavoring.

Thank you for hearing me out.

Karena Meyermann

To: Scot Z. Matayoshi, Chair and Members of the Committee on Labor & Government Operations

From: Jaelyn Natividad

Re: Support of HB 551

In society, youth and adults tend to quickly get hooked on tobacco products mostly due to the flavoring. The availability of flavored tobacco products has a major impact on our youth according to statistics. It is known that 8 of 10 students started with flavors. Flavors including POG, rainbow candy, li-hing mui and so much more that are attractive to kids.

We need to take action on flavored tobacco to stop these flavors from being sold and used to target our keiki. They use flavors to entice kids to try their addictive products until it's too late to escape.

Personally, I believe that we need to regulate e-cigarettes the same as other tobacco products because it includes one unsafe component, nicotine. Nicotine is known to quickly reach one's brain within a span of 10 seconds. Once your brain is impacted, the nicotine causes your brain to release adrenaline resulting in creating pleasure and energy. Thus is the reason as to why people get quickly hooked and affected.

Within my community, there are many students that use e-cigarette. This does not only impact their bodies or health but it impacts the environment and community around them. The reason being is because it increases the air and earth's rates of being trashed. Once one student has an e-cigarette, others will soon follow and soon you have a classroom of addicted students.

My athletically and academically gifted cousin started vaping. It hurts to see my cousin throwing away his future. The reason being is because e-cigarettes provide detrimental effects to one's body, mentally and physically. My cousin may not show the effects just yet, but in the future my cousin will experience negative impacts. As a blood cousin, it hurts to see him do this to himself. I love my cousin too much to see him throw his life away! If tobacco didn't come in flavors he never would have started down this dangerous path. Please help him and others like him and end the sale of all flavored tobacco in Hawaii!

Chair Scot Matayoshi and members of the Committee on Labor and Government Operations

I support HB551 to end the sale of flavored tobacco in Hawaii. My name is Kinohi and I am from Hau'ula O'ahu and a member of the Coalition for a Tobacco-Free Hawaii Youth CCouncil.

I support this bill because I see the effects tobacco and e-cigarettes have on the world around me. E-cigarettes are highly addictive products that contain nicotine. Nicotine is a highly addictive chemical that can have bad bad effects on your brain in several ways. I support this bill because the tobacco industry targets people like me and people in my community with flavors.

My community is mostly made up of native Hawaiians and Pacific Islanders. These companies are targeting people like me, people in my community, low-income native Hawaiians, and Pacific Islanders. Not only are these companies targeting certain people by their ethnicity and social class but they are also targeting people my age. I am 17 years old and I see kids as young as 10 years old vaping. I have learned that flavors hook kids and a Philip Morris executive once said "Students are tremendously loyal. If you catch them, they'll stick with you like glue." and this is true. Hawaii is known for having the highest rates of youth vaping with 1 in 3 Hawai'i high school students report using e-cigarettes on a regular basis. What pulls people towards these products is the candy-like looks and flavors of the vapes. In Hawai'i, we have some creative and local-style vape flavors like li hing mui, Hawaiian POG, and many flavors from local drink companies like Guava Nectar, Lilikoi Lychee, Strawberry Mango, and Passion Orange. Most teens today vape because they want to know if the flavors taste like their favorite candy and drink and from that they, later on, get addicted, this is why we need to make a change to end the sale of tobacco products in Hawai'i, to protect the keiki now and the future generations to come.

I strongly agree with this bill because this would help to end the youth vaping epidemic. Vaping doesn't only affect people now it can affect generations to come from the time that vaping became popular to now the number of teen vaping has increased and over 2.5 million high school and middle school students vape on a regular basis, passing HB551 would be a step in the right direction to change this.

Kinohi
Hau'ula, O'ahu

To: Chair Scot Matayoshi, Members of the Committee on Labor & Government Operations

From: Kanani Wond

Date: Feb 6, 2023

Re: Support for HB 551

I am the Vaping Education Program Coordinator at Kahuku High and Intermediate testifying as an individual. Students report that it's the flavor in the E-cigs that keeps them coming back for more.

Why are we making it so easy to access these products when we know it's so bad for our health? Menthol flavors should be included and banned from both e-cigs and other tobacco products because we have more information and research than we did a decade ago. Tobacco has the power to kill people and families. Everyone around us is impacted by the negative effects of nicotine and tobacco. We all have grandparents, parents, aunties, uncles, siblings, cousins or co-workers that may have died from or are struggling with cancer or a respiratory illness. We hear that dreadful smokers cough. My Nana was a cigarette smoker. We lost her, at age 50 to Lung Cancer. In fact I lost both of my grandmother's when I was a teen to Lung Cancer caused by smoking cigarettes. Had menthol not been available maybe they would have never started or they would have been able to quit, we will never know.

My own children see flavored products being advertised online and know how to access it if they want to. They are 20, 17, and 12! Please help protect them from a similar fate as my grandmothers, and a lifetime of addiction and support HB 551.

Rep. Scot Z. Matayoshi, Chair
Committee on Labor and Government Operations
HB 551 Related to Health
Wednesday February 8th
9:30 AM Conference Room 309 - State Capitol, 415 South Beretania Street

IN Support

I am testifying in support of HB 551. Flavored tobacco products entice youth, as these flavors are very appealing. Furthermore, these flavors paint tobacco products as harmless, as they are often based on popular food items and flavors among our age group (or any age group). A common flavor I have seen is li hing mui, which is clearly attractive to Hawaii youth.

Menthol flavors must be included in the ban because it will provide a large loophole otherwise. If all flavors but menthol are banned, youth can just switch over to menthol which completely defeats the purpose of a flavor ban on tobacco products.

I used to vape e-cigarettes and I know that there are entirely no benefits. Some people say that it helps to relieve stress but I know firsthand that e-cigarettes end up increasing your anxiety. You end up relying on e-cigarettes for any small uncomfortable situation, and because these products have nicotine, you end up falling into a cycle of being more and more dependent on it.

Please help end the cycle of addiction, end the sale of all flavored tobacco products in Hawaii.

Theresa Ng
Kaimuki

Scot Z. Matayoshi, Chair and Members of the Committee on Labor and Government Operations

In Support HB 511

I'm Samantha Lay, a junior at Roosevelt High School and member of the Coalition For A Tobacco-Free Hawai'i Youth Council. I greatly support HB 551 as it calls for a transformative change in tobacco regulation in Hawaii.

The alarming issue facing youth today is one worth addressing and putting forth the effort to lessen the negative impacts. I may not have personally experienced negative health effects from vaping myself, but have observed one of my good friends succumb to the faults of peer pressure and start vaping.

Learning she suffered from heart/lung complications as a result, and as the extensiveness of the harm that was done came to light, it was challenging to see her have a difficult time breathing, especially when confronted with mask restrictions during COVID.

The health disparities are definitely important to emphasize. With certain marginalized groups being more impacted than others. It's deplorable that the tobacco industry considers race and socioeconomic status when targeting specific markets for their deadly products. With the rates of cancer being higher in some of these groups, it makes it even worse.

Additionally, they systematically target youth with flavors like Rainbow Candy , Aloha Sun Fruit Punch and POG to entice kids at such early stages of their lives. This has resulted in a rapid increase in addiction and demand for these products amongst my classmates and even as young as elementary school.

With this bill, the objectives to reduce tobacco use will be ensured, putting youths lives in the forefront of it all. Please support this bill as this issue needs to be further acknowledged and improved upon to ensure the safety of new generations.

To: Committee on Labor and Government Operations
Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Members Rep. Jeanne Kapela, Rep. Adrian K. Tam, Rep. Rose Martinez,
Rep. David Alcos III and Rep. Jackson D. Sayama

I am testifying in support of HB 551

The availability of flavored vapes in my community has had a negative impact on our youth because it's very addictive and for our generation easy to get our hands on. Flavored tobacco products including menthol should be banned because they are helping smokers and vapers inhale the smoke with ease without causing irritation to their throat. Making it easier to start and harder to quit.

I'm a junior in high school, and my first encounter with a vape was freshman year, In my head they smelt better, looked cooler and everyone did it. So most of the people I hang with do it. But it never came across me to try it because I know it's wrong. Yet every day I'm pressured to try.

Vaping heavily impacts my community, we have a vape shop 4 minutes away from our school and over 100 kids walk by it every day on their way home. By ending the sale of flavored tobacco products fewer would stop and try to buy them.

Carmine
Kealakekua, Hawaii

Committee on Labor and Government Operations
Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Members of the Committee Rep. Jeanne Kapela, Rep. Adrian K. Tam, Rep. Rose
Martinez, Rep. David Alcos III and Rep. Jackson D. Sayama

Support for HB551

As a parent I don't think I was aware as to how much vaping impacted my community until recently. My now-19 year old just shared that he has been vaping since the 7th grade. How can a parent not be aware?! I never imagined I would be THAT parent!! He found ways to hide it, and I was none the wiser for more than five years! He is now addicted, and had I known earlier I may have been able to prevent it. And had the vape products not been attractively flavored, my son may not have been as interested in trying it out as a 12 year old. The flavors are deceiving, for both the user as well as those around who are unaware of what they might be smelling. I am sad, angry and frustrated that these products are geared towards hooking kids! It's a shame, and should be a crime. Please ban all flavored tobacco/vape products.

Erin Keil
Kahuku

To: Committee on Labor & Government Operations
Scot Matayoshi, Chair
Andrew Garrett, Vice Chair
Members Jeanne Kapela, Adrian Tam, Rose Martinez, David Alcos
III and Jackson Sayama

I support HB551 because flavor tobacco products are getting the youth hooked on Nicotine. It is confusing to kids because it looks and tastes like candy and fruits they are used to eating. It's important that menthol be included in the ban as it is a flavor that kids enjoy vaping.

One of my uncles recently passed away from lung cancer because he smoked cigarettes all his life. My peers are addicted and constantly needing to leave class to get a hit. Kids are constantly going up to each other and asking if they have a vape like it's a normal thing. Getting rid of flavors which attract kids will help reduce youth use.

Maybe if cigarettes hadn't been flavored with menthol when my uncle was a kid it would have stopped him from starting, and he would still be here.

Daniel Valera
Kamuela

Committee on Labor and Government Operations

Rep. Scot Z. Matayoshi, Chair

Rep. Andrew Takuya Garrett, Vice Chair

Members of the Committee Rep. Jeanne Kapela, Rep. Adrian K. Tam, Rep. Rose Martinez, Rep. David Alcos III and Rep. Jackson D. Sayama

I support HB 551. The availability of flavored tobacco products negatively impacts youth and other targeted groups because it makes you blind to the dangers and makes you want to try them without knowing the harm it can do to your body. Flavored tobacco makes kids get hooked easily because they taste good.

It's important for me to ban flavored e-cigarettes and other tobacco products because I see it is a big problem for my generation and younger generation. Young kids are getting hooked on flavors and I have friends and family who I really care about that are using these products. I would like to see them stop killing off their bodies and see the harmful effects it is having on them.

I myself was pulled into the flavors trap but I've learned the harmful effects and I want my friends and family and others to know what vaping and smoking can really do to their bodies. I was influenced into vaping by a bad group of friends. I instantly got hooked. I loved the flavors but when I saw the effect it had on my body, I could barely hold my breath when I swam, when I ran I would go out of breath very quickly, I told my boyfriend, who was in the youth council group, the effects I was having and he helped and showed me what vaping can really do. He helped me quit vaping and now I'm trying to have the same impact on others.

Please support HB 551

Maui E.
Hilo, HI

Committee on Labor & Government Operations

Scot Matayoshi, Chair

Andrew Garrett, Vice Chair

Members: Jeanne Kapela, Adrian Tam, Rose Martinez, David Alcos III and Jackson Sayama

In Support of HB551

I am testifying in support of HB551 to end the sale of all flavored tobacco products because our youth's health is being affected by ALL tobacco products. Besides, their physical health, vaping redirects their focus away from what matters most, which is to get a good education in order to get out of poverty. Having flavored tobacco products so easily accessible to them just ruins their lives.. It negatively affects their health, development, and finances.

ALL tobacco products need to be banned because they only benefit big corporations. All residual and consequences negatively impact people's lives. Families struggle to have decent living conditions here. They don't always have food or health care. Once people get hooked on tobacco usage, they no longer have the ability to make the best choices for themselves so imagine what it would do to our youth? I saw family members choosing to buy a pack of cigarettes over food and becoming homeless.

Margaret J Vanaman

Kahuku

To: Committee on Labor & Government Operations
Representative Scot Matayoshi, Chair
Representative Andrew Garrett, Vice Chair
Members Representatives Jeanne Kapela, Adrian Tam, Rose
Martinez, David Alcos III and Jackson Sayama

From: Destin Martines, Pa'auilo, Hawaii

Re: Support for HB551

Flavored tobacco products negatively impact youth or other targeted groups by advertising and marketing their products to look and sound like safe candy and fruits. Menthol flavors like Ice and Chill must be included in the ban for both e-cigarettes and other tobacco products because Menthol flavors are just as addictive, and include Nicotine.

I have a fear of going to the bathroom at school because most people that go to the bathroom use it as an excuse and vape in there. I sometimes have to go and risk it and go and use the bathroom. I also got in trouble multiple times because I had the scent of the product cuz of people vaping in there. It has endangered my community to the point where some parents don't trust their kids with others in fear of their kids being peer pressured to use flavored tobacco products.

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

Committee on Labor & Government Operations
Representative Scot Matayoshi, Chair
HB551

In Support

The availability of flavored tobacco products negatively impacts the youth because they are more likely to buy flavored products because it is easy to acquire and more likely to get more people hooked. It's important that menthol cigarettes be included so children don't switch.

It's not the youths fault that they don't know how the chemicals in the vapes can damage their bodies. They need to be protected, please support HB551 to end the sale of all flavored tobacco in Hawaii.

Donovan Valera
Kamuela

Rep. Scot Z. Matayoshi, Chair

Rep. Andrew Takuya Garrett, Vice Chair

And members of the Committee on Labor and Government Operations

My name is Moani and I'm from Mountain View. I am testifying **in support of HB 551** that would end the sale of flavored tobacco products. Flavored tobacco can cause addiction at a young age and lead to serious health issues in the future. The cool fresh taste and smell of menthol make it easier to start and harder to quit.

When my grandparents lived on Oahu, my Grandpa used to smoke all the time. He smoked about 3-6 times a day. He never really had a relationship with me because he was half blind, deaf, and couldn't remember all that well. I know that the pipe really messed up his speech too, because he could only make out a couple of words. He smoked because he was trying to get rid of stress. I felt bad for him because I know that smoking really took over his life and hurt him a lot but I couldn't say anything. He and my Grandma live in the mainland now and he has stopped smoking but the smoking got to him and hurt him a lot. I don't want others to feel like that with their family, friends, or even people we don't know because we should be able to speak up about these topics.

Youth get addicted because they don't know any better. They think it's cool, they get pressured, or they are just trying to let off stress. We need to help protect them from a lifelong addiction by ending the sale of flavored tobacco in Hawaii.

Representative Scot Matayoshi, Chair and members of the Committee on Labor & Government Operations

I am testifying in support of HB551. Flavored tobacco products, in particular vapes, makes people think that it is different from cigarettes because of the taste making it more appealing to the younger population. I think all flavors should be banned.

Mary Llaguno
Waikoloa

To: Chair Scot Matayoshi and the members of the Labor and Government Operations Committee

From: Sydnee Yokota

Re: Support for SB551

Flavored tobacco products significantly impact our youth by prematurely introducing nicotine to them, which can lead to health complications or early mortality. Furthermore, since nicotine is an addictive component, and could be used as a gateway to using other substances, such as cigarettes, marijuana, and other illicit drugs. Nicotine can also alter a growing individual's brain development and function. Also, the aerosol inhaled from vaping can cause an increased risk of respiratory and cardiovascular problems in our youth. Vaping can also lead to a newly severe medical disease known as e-cigarette or vaping use-associated lung injury (EVALI), dramatically impairing normal lung functioning.

Menthol flavors should also be banned for e-cigarettes and other tobacco-related products because menthol is a popular commodity currently attracting the youth. Therefore, including it in the ban will prevent e-cigarettes and other products from damaging our child's health.

Personally, I know many individuals who are users of flavored e-cigarettes. They never smoked an actual tobacco cigarette in their life, but today they are addicted to e-cigarettes/vaping. I think that proves how addicting e-cigarettes or even nicotine can be in this modern day. Additionally, the individuals I know usually have more than one vaping product; therefore, they are consistently next to one and constantly vape whenever convenient for them. This not only impacts their health but also impacts the health around them due to secondhand vaping aerosol.

E-cigarettes are found in practically all convenience stores here on the Big Island. They have appealing colors and exciting flavors that are compelling to buyers and users. However, how e-cigarettes are advertised impacts the community the most; it's always displayed at the front of the store, becoming a massive consumer attraction, especially to the youth with their bright colors and attractive flavors.

It's time to end the sale of all flavored tobacco products in Hawaii!

To: Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Members of the Committee on Labor & Government Operations

Re: Support for HB 551

Our youth's health is being affected by ALL tobacco products. Besides, their physical health, vaping redirect their focus away from what matters most, which is to get a good education in order to get out of poverty. Having flavored tobacco products so easily accessible to them just ruins their lives.. It negatively affects their health, development, and finances.

ALL tobacco products need to be banned because they only benefit big corporations. All residual and consequences negatively impact people's lives. Families struggle to have decent living conditions here. They don't always have food or health care. Once people get hooked on tobacco usage, they no longer have the ability to make the best choices for themselves so imagine what it would do to our youth? I saw family members choosing to buy a pack of cigarettes over food and becoming homeless.

This is not what we want for our kids. Help protect them by ending the sale of all flavored tobacco products.

Leilani Lauaki
Kahuku

Representative Scot Matayoshi, Chair and Members of the Committee on Labor & Government Operations

I am testifying in support of HB 551.

The Vape companies are targeting kids with their products through their flavors, such as Rainbow Candy, Strawberry Mango and Blue Razz Ice. 8 in 10 youth that vape try vape for the first time because of the flavor of the product. Having flavored tobacco available to children is dangerous because they are enticing us to a deadly addiction. All flavors are dangerous, fruit flavored or candy flavors like menthol. The flavors mask the dangers of e-cigarettes and other tobacco products making it seem safe.

We need to recognise e-cigarettes the same as any and every tobacco product because they all do the same thing; kill. Just because they "seem safer" doesn't make the outcome any different. Personally, e-cigarettes have been in my life for as long as I can remember. My 3 older sisters all vape. One even works at a vape shop. I tried telling them how harmful it is but then I realized my targeted audience is those youth that are not yet addicted.

During school last year, vaping rates were so high that they decided to close down all bathrooms on our campus. This way no kids could go in there and vape. But this affected everyone. No available bathrooms throughout our whole campus. Cameras were installed outside of each bathroom and hallway, to identify who went where and at what time. We had to ask to use the bathroom electronically. Through E-Hallpass. We have to choose which teacher, which building, which bathroom, then they time how long we've been in there. One person in the bathroom at a time. Each class had a set amount of time everyone had in the bathroom. Most classes were 5 minutes. So if someone used the bathroom for 4 minutes then that leaves the rest of the class with 1 minute to spare. For the entire class.

Punishing youth by limiting bathroom time, fines or suspension is not the answer, what they need is help. As part of the Youth Council I'm trying to help by talking to younger students. That's who I hope to impact. We need you to target the companies profiting from addicting kids to vapes and other tobacco, ending the sale of all flavored tobacco products is one of the first steps.

Zoe Gacayan
Paauilo

To: Representative Scot Z. Matayoshi, Chair and members of the Committee on Labor and Government Operations

From: Danica Valera, Kamuela

Re: Support for HB 551

The availability of flavored tobacco products negatively impacts youth and other targeted groups because they will be more willing to try a tobacco product if they know what it will taste like.

It's important to me that menthol flavors be included in the ban for both e-cigarettes and other tobacco products because it is often the first flavor that youth and young adults try so if it's not an option hopefully more youth won't start.

I was not able to meet my great grandparents because they both passed away from lung cancer within a year of each other due to being heavy smokers. If flavors like menthol hadn't been around maybe they would have never started or would have been able to quit and they would have been around for me.

Help protect the next generation and end the sale of flavored tobacco in Hawaii.

HB-551

Submitted on: 2/7/2023 8:07:51 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Roy Davis	Individual	Oppose	Written Testimony Only

Comments:

I am a Hawai'i voter and a taxpayer writing in opposition to HB 551 which would ban the sale of flavored nicotine or tobacco products -- including those that are demonstrably safer than smoking according to the FDA. It should now be clear that such drastic action would cause irreparable harm to the same people it is intended to protect. Moreover, forcing legitimate specialty retailers to close will expose consumers to unnecessary risks including shopping on an unregulated underground market and even returning to smoking. Data from other states and municipalities where flavor bans have been imposed confirm that this policy is creating new problems while failing to address the issue of youth substance use.

Recent research reveals that young people aren't benefiting from heavy regulation of vapor products. Instead, policies like what HB 551 is proposing are more likely to send teenagers to smoking rather than prevent them from experimenting with nicotine. According to research published in the journal *Nicotine and Tobacco Research* (Posner H., et. al., 2021), 33% of respondents were likely to switch to smoking cigarettes in response to a flavor ban on vaping. Outcomes like this are counter to achieving genuine public health goals like reducing smoking prevalence in Hawai'i and the rest of the country.

Legal, regulated businesses play a vital role in ensuring that consumers have access to well-made products and keeping adult products out of the hands of young people. If these products are pushed into an underground market where there is no oversight and no motivation to comply with regulations, purchasing and consuming nicotine will be unnecessarily more risky.

I, along with my fellow members of Consumer Advocates for Smoke-free Alternatives Association (CASAA), thank you for considering my comments on this issue. Please know that the vaping community are your allies in addressing concerns about youth use and we are open to working toward a positive way forward. I look forward to your response on this issue and I am available for any questions you might have.

HB-551

Submitted on: 2/7/2023 8:24:48 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Venessa Viernes	Individual	Oppose	Written Testimony Only

Comments:

Flavor alcohol is fine for adults, but not vapes....I choose vapes. I truly oppose this bill

Chairperson Matayoshi and Members of the Committee

My name is Kaylee Osaki, a student at McKinley High School writing in support of HB551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine

Ending the sale of flavored tobacco products will reduce the appeal of these products and protect us from a lifetime of addiction. Nicotine is highly addictive and exposure during adolescence can harm the developing brain. It significantly harms the parts of the brain that control attention, learning, mood, and impulse control.

Teens tend to believe that vaping is safer than smoking, but it's not. It has been proven that vaping has increased the chance of a heart attack, stiffness of arteries, high blood pressure and a stroke. Asthma and COPD are conditions that are irreversible damages to your lungs.

Teens often vape because vapes come in fun flavors, have nice packaging, and can be charged in a USB port. Teens have been led to believe that vapes are much less harmful than cigarettes. On school campus the concentration should be learning instead of finding a place to smoke their e-cigarettes.

Prohibiting the sale of flavored tobacco products will give us a chance to live in a smoke free and healthier environment. It will also save a lot of money in long term health care.

HB-551

Submitted on: 2/7/2023 9:41:02 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnathon G. Myers	Individual	Oppose	Written Testimony Only

Comments:

I am a Hawai'i voter and a taxpayer writing in opposition to HB 551 which would ban the sale of flavored nicotine or tobacco products -- including those that are demonstrably safer than smoking according to the FDA. It should now be clear that such drastic action would cause irreparable harm to the same people it is intended to protect. Moreover, forcing legitimate specialty retailers to close will expose consumers to unnecessary risks including shopping on an unregulated underground market and even returning to smoking. Data from other states and municipalities where flavor bans have been imposed confirm that this policy is creating new problems while failing to address the issue of youth substance use.

Recent research reveals that young people aren't benefiting from heavy regulation of vapor products. Instead, policies like what HB 551 is proposing are more likely to send teenagers to smoking rather than prevent them from experimenting with nicotine. According to research published in the journal *Nicotine and Tobacco Research* (Posner H., et. al., 2021), 33% of respondents were likely to switch to smoking cigarettes in response to a flavor ban on vaping. Outcomes like this are counter to achieving genuine public health goals like reducing smoking prevalence in Hawai'i and the rest of the country.

Legal, regulated businesses play a vital role in ensuring that consumers have access to well-made products and keeping adult products out of the hands of young people. If these products are pushed into an underground market where there is no oversight and no motivation to comply with regulations, purchasing and consuming nicotine will be unnecessarily more risky.

I, along with my fellow members of Consumer Advocates for Smoke-free Alternatives Association (CASAA), thank you for considering my comments on this issue. Please know that the vaping community are your allies in addressing concerns about youth use and we are open to working toward a positive way forward. I look forward to your response on this issue and I am available for any questions you might have.

H.B.551
February 8, 2023

Committee on Labor and Government Operations
Chair: Scot Matayoshi
Vice Chair: Andrew Garrett

TESTIMONY IN SUPPORT OF HB 551, RELATING TO HEALTH

My name is Julian Lipsher, testifying as an individual in support of HB 551. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee a 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 is still confronted with smoking and tobacco use being the leading cause of death and disease. Hawaii has some of the strictest and most comprehensive protections regarding the sale of traditional tobacco products and exposure to secondhand smoke. Yet currently the practice of vaping most often with flavored products has resulted in significant rates of delivery of nicotine to our youth, potentially addicting a new generation of smokers.

As the tobacco industry attempted more than a decade before, the introduction of flavored tobacco products entice youth, as evidenced in the CDC's Youth Tobacco Survey. Hawaii's middle and high school students report vaping rates above national averages, with disproportionate use among Native Hawaiian and Pacific Islanders. In 2020, 8 in 10 youth currently using e-cigarettes report using flavored products.

Menthol, the predominate flavor choice is just as, if not more, harmful than other flavors added to tobacco. Menthol has the ability to disguise the harshness of tobacco making it easier to start and once addicted, harder to quit.

Ending the sale of flavored tobacco products is a matter of health equity. The industry has long marketed menthol products to low income communities, especially people of color. According to the Hawaii data, 78% of Native Hawaiians and Pacific Islanders use menthol flavoring, with mint and menthol being the most popular flavors among youth.

If our objective is to protect Hawaii's children and reverse the current trends in youth vaping, we need to eliminate flavored tobacco products, including menthol.

Thank you for the opportunity to testify on this measure.

Julian Lipsher
Email: jdlipsher@hawaii.rr.com

HB-551

Submitted on: 2/7/2023 10:29:57 AM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chien-Wen Tseng	Individual	Support	Written Testimony Only

Comments:

As a family physician and mom of three teenagers, I humbly ask for your support for HB551 to remove all favorings for tobacco and vape products. Your vote in support for HB551 will do so much to protect our keiki and Hawaii will see the difference in health for our next generation in 20 years. I've taken care of so many people whose health have been harmed by smoking. There is just no reason to allow flavored tobacco products that make smoking and vaping seem like a harmless recreational activity because it isn't. Mahalo for your support for HB551.

Chairperson Matayoshi and Members of the Committee

I am Kawika K Kaluhiwa , a student at McKinley High School writing in support of HB551, which prohibits the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free.

I support the writing of HB551 because it would lower the amount of long-term health care costs by 48 million, lower the amount of premature smoking related deaths, and prevent youth from smoking. A fantastic example of this is youth or even anybody around in public, especially youth smoking vapes. Nowadays youth is not getting penalized for smoking as much even when smoking in front of authorities. Some do not crack down hard enough, they do crack down on it, but they do not crack down on it long enough to stop them. When seeing people, especially youth, smoking vapes, it should be taken care of well enough to stop them from smoking entirely.

HB-551

Submitted on: 2/7/2023 4:46:27 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

WTF. Enough Already!

HB-551

Submitted on: 2/7/2023 5:08:29 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Sakamoto	Individual	Support	Written Testimony Only

Comments:

I strongly support HB551. Flavored e-cigarettes are a tremendous danger to our children and a nuisance to those who around users. My child is a middle school student and the bathrooms are difficult to use because of all the children camped out there smoking e-cigarettes. Students even hide and smoke them in the classroom if the do not emit visible evidence (smoke or vapor). Some of the ones using them in class tell others that they cannot survive the day without using e-cigarettes constantly. They are hooked and addicted.

Flavored e-cigarettes are a thinly disguised concerted way for businesses to get children hooked on nicotine and to make money off the the addiction developed by children.

Please ban flavored tobacco, e-cigarettes and nicotine dispensers.

HB-551

Submitted on: 2/7/2023 5:13:27 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

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

Comments:

Respect the right of adults to choose.

HB-551

Submitted on: 2/7/2023 6:03:06 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Monika Lopez	Individual	Oppose	Written Testimony Only

Comments:

This bill will help me to quit.

Help me to quit voting for legislators that support it, that is.

HB-551

Submitted on: 2/7/2023 9:41:05 PM

Testimony for LGO on 2/8/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jake Ishikawa	Individual	Support	Written Testimony Only

Comments:

Honorable Chair, Honorable Vice Chair, and members of the Labor and Government Operations Committee,

My name is Jake Ishikawa and I am a junior at Kapolei High School. I am testifying in support of House Bill 551. As a student leader and as someone who attended the 2023 Secondary Student Conference, it is disheartening to me to see my fellow peers vape in our school's bathrooms. My peers are damaging their lives when they decide to vape. One in three of Hawai'i high school students vape regularly. That is 33% of all high school students; 33% too many. The risks to vaping are not unknown. The nicotine in vapes is highly addictive and can damage the brain of a teenager, whose brain does not fully develop until their twenties. Vaping damages the cells in a child's lungs and makes them more prone to an infection. Additionally, high schoolers who vape are more likely to struggle with mental health disorders and depression. Teenagers who vape are three times more likely to smoke cigarettes or use other addictive drugs during adulthood. Flavored tobacco products hook teenagers and are marketed specifically towards youth. Flavored products are what get teenagers addicted. This is why these along with misleading labels must be banned to protect the health of our youth. During the Secondary Student Conference, the Hawai'i State Student Council only supported three bills; however, House Bill 551 was in the top nine bills that was debated, and therefore received large support from student leaders from all four counties in Hawai'i. Before I conclude, I want to leave you with one final thought: it is up to you to move this bill forward or let it die, but as you decide, is the health and life of a teenager, my fellow peers, less important than flavored tobacco products?

Once again, I strongly support House Bill 551, and It is my hope that this bill will pass out of this committee and move forward, for the betterment of Hawai'i's future and our youth.

With gratitude,
Jake Ishikawa