STAND. COM. REP. NO. TOP Honolulu, Hawaii FEB 17, 2023 RE: H.B. No. 551 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 551, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- Prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine-free;
- (2) Authorize the Department of Health to appoint, commission, or contract for services of inspectors to enforce the flavored tobacco ban;
- (3) Establish two full-time equivalent program specialist positions and one full-time equivalent hearings officer position to administer inspections and enforcement related to this measure; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Health; Department of Education; University of Hawai'i Cancer Center; two members of the Hawai'i County Council; American Heart Association;

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Hawaii State Teachers Association; American Cancer Society Cancer Action Network; Coalition for a Tobacco-Free Hawaii Youth Council; Hawaii State Youth Commission; University of Hawaii Student Health Advisory Council; Campaign for Tobacco-Free Kids; Tobacco-Free Kids Action Fund; Hawai'i Youth Services Network; Kaiser Permanente Hawai'i; Hawaii Health & Harm Reduction Center; Waimānalo Health Center; We Are One, Inc.; Hamakua Cougars; AlohaCare; Hawaii Substance Abuse Coalition; Hawaii Primary Care Association, Hawai'i Children's Action Network Speaks!; Hawai'i Public Health Association; Opportunity Youth Action Hawai'i; Hawaii COPD Coalition; Hawaii Association of Independent Schools; Pioneering Healthier Communities Initiative; Hawaii Dental Association; Coalition for a Drug-Free Hawaii; American Lung Association; Papa Ola Lokahi; Hawai'i Community Foundation; and numerous individuals.

Your Committee received testimony in opposition to this measure from the Taxpayers Protection Alliance; Retail Merchants of Hawaii; Consumer Choice Center; Cigar Association of America, Inc.; Reason Foundation; Hawaii Smokers Alliance; Volcano; Americans for Tax Reform; Aloha Petroleum; Minit Stop; Par Hawaii; and twelve individuals.

Your Committee finds that the use of flavored tobacco products and electronic smoking devices by youth have swelled to epidemic levels. The usage rate of electronic smoking devices amongst youth in the State is prevalent with 30.6 percent of public high school students and eighteen percent of public middle school students reporting that they use electronic smoking devices. The usage rate is even more concerning on the neighbor islands, where thirty-four percent of students in Hawaii County and thirty-two percent in Kauai County are reported to be regular users.

Your Committee further finds that an expansive catalog of flavors is one of the main reasons why the use of tobacco products and electronic smoking devices by youth continues to rise. Electronic smoking devices and flavored tobacco products have been glamorized and promoted in a manner to appeal to youth, using flavors like candy, fruit, Maui mango, and shaka strawberry. The majority of youth who use electronic smoking devices report using a flavored product. This measure seeks to address the youth tobacco and vaping epidemic by prohibiting the sale and distribution of flavored tobacco products and mislabeling of e-

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liquid products and provides the Department of Health with the administrative authority needed to enforce this ban.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 551, H.D. 1, and recommends that it be referred to your Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

NAKASHIMA, Chair



State of Hawaii House of Representatives The Thirty-second Legislature

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: HB 551 HD	Committee Referral: LGO, CPC, FIM			Date: 02-15-23		
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold   Image: Pass short form bill with HD to recommit for future public hearing (recommit)						
CPC Members		Ayes	Ayes (WR)	Nays	Excused	
1. NAKASHIMA, Mark M. (C)		/				
		· · ·		1997 - 1997 -		
2. SAYAMA, Jackson D. (VC)						
3. AMATO, Terez				 		
5. 141410, 10102						
4. BELATTI, Della Au		/			ar - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
5. HASHEM, Mark J.		· · · · · · · · · · · · · · · · · · ·	<u>,                                    </u>		n de la servicie de l La servicie de la serv La servicie de la serv	
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6. HUSSEY-BURDICK, Natalia						
7. GATES, Cedric Asuega			ere er en an er alle er	n - Andrea Angelander 1997 - Angelander Angelander 1997 - Angelander Angelander		
7. GATES, Cedric Asuega						
8. LOWEN, Nicole E.		······		<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	ti ta i na elte entre ala dan	
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9. ONISHI, Richard H.K.		/				
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10. TAM, Adrian K.			a and a second			
11. PIERICK, Elijah				la na hitelini a sa an	<u></u>	
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TOTAL (11)		10			(	
The recommendation is: Image: Adopted life Image: Not Adopted life   If joint referral,						
Vice Chair's or designee's signature:						
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						