



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1573, H.D. 2, RELATING TO HEALTH.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 25, 2026 **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

This bill will require manufacturers of electronic smoking devices and e-liquids to certify annually to the Department that the manufacturer received a Marketing Granted Order (MGO) from the United States Food and Drug Administration (FDA) and that the manufacturer complies with federal and state laws. This bill requires the Department to establish a publicly accessible directory of certified manufacturers and their products. This bill establishes civil penalties for manufacturers that fail to comply with certification requirements and establishes civil penalties for parties that sell products that are not listed in the directory. This bill also establishes inspection authority for the Department to enforce the directory.

The Family Smoking Prevention and Tobacco Control Act (TCA), 21 U.S.C. §387a, grants the FDA the power to regulate tobacco products, including e-cigarettes.<sup>1</sup> Under the TCA, manufacturers of new e-cigarette products must submit a Premarket Tobacco Product Application and receive a MGO before the product may be legally marketed in the United States. See 21 U.S.C. §387j(a)(2). If they do not receive a MGO from the FDA, the products are considered "adulterated" under 21 U.S.C. §387b(6)(A).

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<sup>1</sup> In August 2016, the FDA finalized a rule deeming e-cigarettes as a tobacco product that is subject to the FDA's regulation. See 21 C.F.R. pts 1100, 1140, and 1143 (2016).

As of December 29, 2025, the FDA has only authorized thirty-nine tobacco and menthol flavored e-cigarette products, and the FDA has clearly stated those are the only products that may be lawfully sold in the United States.<sup>2</sup> Over the last year, the Department has made an active effort to educate tobacco retailers and distributors about the list of authorized FDA products.<sup>3</sup> Nonetheless, many e-cigarette products that lack a MGO from the FDA are still sold in Hawaii.

This bill would create a state-managed directory, parallel to and in alignment with federal FDA regulations. This directory would provide much-needed clarity to retailers and distributors about which e-cigarette products are compliant with both state and federal regulations and are allowed for sale in the State. This bill would also empower the Department with enforcement of the directory, helping to eliminate illegal products from Hawaii's market.

We respectfully ask that the Committee change the defective effective date to the original effective date of July 1, 2026, and pass this bill. Thank you for this opportunity to testify.

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<sup>2</sup> E-Cigarettes, "Vapes" and Other Electronic Nicotine Delivery Systems (ENDS) Authorized by the FDA (Dec. 29, 2025), <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends-authorized-fda> (last visited Jan. 28, 2026).

<sup>3</sup> Attorney General Letters to Retailers and Distributors re Unauthorized Tobacco Products (Jan, 16, 2025), <https://ag.hawaii.gov/cjd/tobacco-enforcement-unit/letters-re-unauthorized-tobacco-products/>.



**STATE HEALTH PLANNING  
AND DEVELOPMENT AGENCY**  
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

**JOSH GREEN, MD**  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

**KENNETH S. FINK, MD, MGA, MPH**  
DIRECTOR OF HEALTH  
KA LUNA HO'ŌKELE

**JOHN C. (JACK) LEWIN, MD**  
ADMINISTRATOR

February 23, 2026

**TO:** HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
Honorable Members

**FROM:** John C. (Jack) Lewin, MD, Administrator, SHPDA, and Sr. Advisor to  
Governor Josh Green, MD on Healthcare Innovation

**RE: HB 1573\_HD2 -- RELATING TO HEALTH**

**HEARING:** Wednesday, February 25, 2026 @ 2:00 pm; Conference Room 325

**POSITION:** SUPPORT with COMMENTS

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**TESTIMONY:**

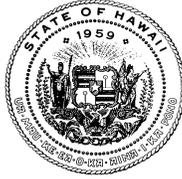
SHPDA strongly supports HB 1573\_HD2 with comments. It moves Hawai'i toward a more enforceable, "legal products only" marketplace for electronic smoking devices (ESD) and e-liquids. The current environment makes it too easy for non-authorized products, often keiki-appealing and quickly iterating, to reach consumers faster than our local enforcement can respond. A public, up-to-date directory tied to manufacturer accountability is a practical mechanism to tighten compliance across the supply chain and reduce youth access and exposure.

This measure also strengthens the State's enforcement mechanisms by pairing a clear compliance standard with meaningful consequences for repeated violations, and by directing collected fees and penalties into the Tobacco Enforcement Special Fund for administration and enforcement. If implemented well, it can improve transparency for retailers and distributors, reduce ambiguity about what is allowed to be sold, and give agencies better tools to act quickly when products are clearly outside the permitted market.

On fiscal and operational specifics, we defer to the Department of the Attorney General. We would also defer to the Department of Health for public-health impact framing and youth-use considerations.

Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA



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

**Testimony in SUPPORT of H.B. 1573, H.D. 2  
RELATING TO HEALTH**

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

Hearing Date: February 25, 2026  
2:00 PM

Room Number: Conference Room 325  
and Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of the Attorney  
2 General (AG) regarding any fiscal implications of maintaining a manufacturer and product  
3 directory for electronic smoking devices (ESDs) and e-liquids.

4 **Department Position:** The DOH supports House Bill 1573, House Draft 2 (H.B. 1573, H.D. 2) and  
5 the AG taking the lead on the administrative and enforcement requirements of this measure.  
6 H.B. 1573, H.D. 2 requires manufacturers of ESDs and e-liquid products to submit proof to the  
7 AG that they received a marketing granted order (MGO) from the U.S. Food and Drug  
8 Administration (FDA) and comply with state and federal laws in order to sell their products for  
9 retail sale or to consumers in Hawaii.

10 **Department Testimony:** Since the U.S. Surgeon General declared vaping a youth epidemic in  
11 2018,<sup>1</sup> the state and federal government have not put adequate protections in place to prevent  
12 the marketing of ESDs to youth. The result is that between 2019 and 2023, U.S. ESD sales  
13 increased by 47% from 210.5 million to 309.4 million units.<sup>2</sup> Of the ESD products sold in the

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<sup>1</sup> DHHS. (2018, December 17). *Surgeon General releases advisory on E-cigarette epidemic among youth* [Text]. HHS.Gov.

<https://www.hhs.gov/about/news/2018/12/18/surgeon-general-releases-advisory-e-cigarette-epidemic-among-youth.html>

<sup>2</sup> *Monitoring E-Cigarette Trends in the United States*. (2024). Truth Initiative; CDC Foundation. <https://tobacomonitoring.org/wp-content/uploads/2024/11/2024MonitoringE-CigaretteTrendsUS-1.pdf>

1 U.S., as much as 54% are illegal.<sup>3</sup> Many of these products contain toxic chemicals such as  
2 formaldehyde, lead, and acrolein, and are designed with built-in video games and Bluetooth  
3 speakers and come in candy or fruity flavors to attract youth.<sup>4</sup> Additionally, permissive federal  
4 enforcement leaves many ESD products with submitted but pending premarket tobacco  
5 product applications (PMTAs) on the market.<sup>5</sup> States cannot enforce federal laws, and without  
6 additional state-level legislation, illegal ESD products remain on store shelves and available  
7 online.

8 In Hawaii, data shows that delayed public health and enforcement action, and the need  
9 for stronger state authority has allowed the vaping epidemic to grow. Young adults ages 18 to 24,  
10 and 25 to 34 years old, use ESDs at the highest rates among adults, at 23% and 25%,  
11 respectively.<sup>6</sup> High school and middle school students ESD use rates are 13% and 10%, and ever  
12 tried ESD rates are 28% and 17%, respectively.<sup>7,8,9,10</sup> The middle school currently use and ever  
13 tried ESD rates increased significantly from 2021 to 2023.

14 The DOH receives requests for ESD resources from elementary school teachers and  
15 administrators because their students are bringing and using ESDs on campus.<sup>11</sup> Taxes have  
16 reduced use for some price sensitive users, and the DOH is expanding prevention education and

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<sup>3</sup> Commissioner, O. of the. (2025, September 30). *A Statement From FDA Commissioner Marty Makary, M.D., M.P.H.: Encouraging Retailers to Stop Selling Illegal Vapes*. FDA. FDA. <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-marty-makary-md-mp-h-encouraging-retailers-stop-selling-illegal-vapes>

<sup>4</sup> Commissioner, O. of the. (2025, September 30). *A Statement From FDA Commissioner Marty Makary, M.D., M.P.H.: Encouraging Retailers to Stop Selling Illegal Vapes*. FDA. FDA. <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-marty-makary-md-mp-h-encouraging-retailers-stop-selling-illegal-vapes>

<sup>5</sup> Public Health Law Center. (2022, May 16). *5/16/22—A Quick Recap: What’s Going on with the Premarket Review Process? | Public Health Law Center*. <https://www.publichealthlawcenter.org/commentary/220118/quick-recap-whats-going-premarket-review-process>

<sup>6</sup> Hawaii IBIS - Query Result- Hawaii Behavioral Risk Factors Surveillance System (BRFSS) Data-Electronic vapor product-Current use. Retrieved February 2, 2026, from <https://hhdw.org/report/query/result/brfss/SmokeECigsCurr/SmokeECigsCurrCrude11.html>

<sup>7</sup> Hawaii IBIS - Query Result—Hawaii Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level. (n.d.). Retrieved February 2, 2026, from [https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr_MS_CNTY.html)

<sup>8</sup> Hawaii IBIS - Query Result—Hawaii Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Ever use, Middle Schools, County-level. (n.d.). Retrieved February 2, 2026, from [https://hhdw.org/report/query/result/yrebs/VaporEver/VaporEver\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrebs/VaporEver/VaporEver_MS_CNTY.html)

<sup>9</sup> Hawaii IBIS - Query Result—Hawaii Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, . Retrieved February 2, 2026, from [https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr\\_HS\\_ST.html](https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr_HS_ST.html)

<sup>10</sup> Hawaii IBIS - Query Result—Hawaii Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Ever use, High Schools. Retrieved February 2, 2026, from [https://hhdw.org/report/query/result/yrebs/VaporEver/VaporEver\\_HS\\_ST.html](https://hhdw.org/report/query/result/yrebs/VaporEver/VaporEver_HS_ST.html)

<sup>11</sup> Hawaii News Now. (2025, April 30). *As vaping increases among youth, health officials warn of links to anxiety and depression* [Video recording]. <https://www.youtube.com/watch?v=FFYL4E6SY4U>

1 quit resources for youth and youth adults, along with resources for educators and parents. Still,  
2 stronger state authority is needed to remove illegal products, those without the FDA MGOs.

3 Currently, the FDA has authorized 39 ESD products for sale in the United States,<sup>12</sup> but as  
4 of September 2025, there are over 6,800 ESD products available for sale.<sup>13</sup> H.B. 1573, H.D. 2  
5 would give the AG the power to enforce the FDA list by requiring that every manufacturer of an  
6 ESD or e-liquid sold in Hawaii must certify that an MGO was received and that they are  
7 compliant with both state and federal laws.

8 The vaping epidemic is shifting to younger ages and a rising among young adults.  
9 Without stronger action, this public health crisis will continue to harm future generations. The  
10 DOH supports H.B. 1573, H.D. 2 as a coordinated public health measure to enforce the FDA  
11 MGO and regulate illegal ESDs being sold in Hawaii.

12 **Offered Amendments:** None

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

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<sup>12</sup> U.S. Food & Drug Administration. (2026, January 21). *Searchable Tobacco Products Database*.  
<https://www.accessdata.fda.gov/scripts/searchtobacco/>

<sup>13</sup> CDC Foundation. (2025, September). *E-Cigarette & Tobacco Monitoring and Research*. Monitoring Tobacco Product Use.  
<https://tobacomonitoring.org/>



Hearing on 2-23-26

**Testimony in Strong Opposition to House Bill 1573**

Dear JHA Committee,

The Hawaii Smokers Alliance STRONGLY OPPOSES HB 1573) relating to the excessive and anti-competitive overregulation designed to damage or destroy our local vape retailers. Considering the Anti-smoking lobby source of this bill, there is no doubt that they would love to create a **costly and unworkable mess** for local businesses that sell these products. Furthermore, the businesses would be deprived of their chapter 91 rights to have Administrative Rules, public notice, and the proper review process.

HB1573 will be a business killing disaster for small vape shops. Almost all their product line would get banned. Additionally, there will be vast numbers of constituents that vape that will be angered when the products they love get banned.

Respectfully request that this mean spirited, anti-business, mess of a bill not leave the JHA committee. Thank you for your time.

Sincerely,

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

808-952-0275. [Hawaiiismokersalliance.net](http://Hawaiiismokersalliance.net)

## TESTIMONY IN SUPPORT OF HB 1573 HD2

TO: Chair Tarnas, Vice Chair Poepoe, and Committee Members

FROM: Michael Paul, Certified Tobacco Treatment Specialist

DATE: February 25, 2026 (2:00 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** HB 1573 HD2, which require the manufacturers of electronic smoking devices (ESDs) and e-liquids to certify that they have received a Marketing Granted Order from the FDA and that the manufacturer is compliant with all state and federal laws. As well, this bill directs the Department of Attorney General to create a public directory of all certified electronic smoking devices and e-liquids.

The Food and Drug Administration has only approved 39 ESD products for sale in the United States, and yet, today there are thousands of different ESD products widely available for sale in many Hawai'i retailers. When manufacturers apply for FDA approval of their tobacco products, including ESDs, the FDA evaluates the impact of the product on public health. This includes weighing how much a product may assist adult smokers in reducing or eliminating their combustible cigarette use versus the potential for youth appeal. Thousands of ESDs and e-liquids for sale in our state do not meet that standard.

In my experience as a tobacco treatment specialist helping adults to quit or reduce their dependence on tobacco products, I have met many people who started vaping in middle or high school, and now as adults struggle to quit. They express similar experiences of being lured in by the flavors and ease of use of ESDs.

If SB 2410 is passed thousands of products that appeal to youth, and in some cases have been openly marketed to them, fueling our high rates of youth vaping, would no longer be on store shelves. Out of the thousands of pre-marketing applications for ESD products that the FDA has evaluated, only 39 have been approved.

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



With the ongoing support of the Hawai'i Community Foundation, HHHRC continues to offer smoking cessation services that are tailored to meet the needs of our state's LGBTQ+ people, and other priority populations through its [Hawai'i's Last Drag](#) (HLD) program. We work with individuals in ways that are most appropriate for their current needs, with trainings conducted in person or via phone, text, or videoconferencing. We provide smoking cessation products to assist them with quitting the consumption of smoked tobacco and other nicotine products.

Thank you for the opportunity to testify on this measure.



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

[hicopd@gmail.com](mailto:hicopd@gmail.com)

(808)699-9839

February 23, 2026

RE: **Please hear and Pass HB1573,HD2 Relating to Health**

Dear Chair Tarnas and Vice Chair Poepoe and members of the House Judiciary & Hawaiian Affairs Committee:

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please hear AND pass HB1573, HD2** which would penalize any manufacturer and party selling products not in the directory in compliance with federal regulations and state laws.

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.

- This directory bill will ban all tobacco products that aren't on a pre-approved list of 39 products from the FDA.
- Passing this will remove thousands of different e-cigarette products currently available for purchase.
- Most products targeting youth will be made illegal, helping keep our keiki safe from Big Tobacco.
- California has established a similar practice to help ensure only approved products are sold in their state.

Please help protect the lungs and lives of our people from flavored and mislabeled nicotine products. We urge you to **please HEAR and vote in favor of HB1573, HD2 pass it out of committee only FDA approved and authorized ESDs are allowed to be sold in our state.** 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



## HIPHI Board

May Okihiro, MD, MS  
Chair  
John A. Burns School of Medicine,  
Department of Pediatrics

Jennifer José Lo, MD  
Vice Chair  
Hawai'i Health Partners

Titimaea Ta'ase, JD  
Secretary  
Taase Law Office

Jonathan Ching  
Kaiser Permanente

Tammy Ho  
The Queen's Medical Center

Carissa Holley, MEd  
Hale Makua Health Services

Joyce Lee-Ibarra, MS  
JLI Consulting

Misty Pacheco, DrPH  
University of Hawai'i at Hilo

Dina Shek, JD  
Medical-Legal Partnership  
For Children in Hawai'i

JoAnn Tsark, MPH  
John A. Burns School of Medicine, Native  
Hawaiian Research Office

Danette Wong Tomiyasu, MBA  
Retired, Hawai'i State Department of  
Health

## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community-Based Research &  
Evaluation

Community Health  
Worker Initiatives

Environmental Health

Hawai'i Climate Change and Health  
Working Group

Hawai'i Drug & Alcohol-Free Coalitions

Hawai'i Immunization Coalition

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &  
Community Living

Public Health Workforce Development

Date: February 24, 2026

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

RE: Support for HB 1573 HD2, Relating to Health

Hrg: Wednesday, February 25, 2026, at 2:00 PM, Room 325

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The Coalition for a Tobacco-Free Hawai'i, a program of Hawai'i Public Health Institute<sup>1</sup> is in **Support of HB 1573 HD2**, which would require electronic smoking device and e-liquid manufacturers to certify to the Department of Attorney General annually that the manufacturer received a Marketing Granted Order from the federal Food and Drug Administration and that the manufacturer is in compliance with federal regulations and state laws.

## Health Risks Persist

Tobacco-related disease continues to be the leading cause of preventable death in the United States, resulting in 480,000 deaths annually,<sup>2</sup> with 1,400 of those deaths happening each year in Hawai'i.<sup>3</sup> 95% of adult cigarette smokers started before they turned 21 years of age,<sup>4</sup> so it's clear that to eliminate the harms of tobacco in our society, we need to prevent youth from ever starting.

For the past ten years, Hawai'i's middle and high school students have been reporting high prevalence rates for electronic smoking devices, with current use for middle school students at 10%, and 13% for high school students.<sup>5</sup> The problem has now become an issue at many of our elementary schools across the state. The vast majority of the e-cigarettes that are causing problems at our local schools are not authorized to be legally marketed and sold in the United

## Only 39 Products on Approved List

Currently there are thousands of unauthorized e-cigarette products on the market driving youth initiation and uptake. The U.S. Food and Drug Administration (FDA) is the agency responsible for regulating the e-cigarette industry. The FDA has a pre-market tobacco product application process to evaluate e-cigarette products to ensure they are appropriate for the protection of public health. The e-cigarette must assist adult smokers in reducing their use of combustible cigarettes without appealing to youth. This differs from the standard they use for medical devices and drugs, which must prove they are safe and effective, because all tobacco products are inherently harmful.



## Remove Thousands of Unauthorized Products from Hawai'i

If HB 1573 passes as is, this would narrow the available products to only those that received marketing authorization from the FDA.<sup>6</sup> That list of authorized products is less than 40 because the majority of e-cigarette products on the market appeal to youth. While there are a couple of menthol-flavored products on that list, it would eliminate all other flavored electronic smoking devices other than tobacco.

While the e-cigarette products that are authorized are not safe, the products have been thoroughly reviewed by the FDA as products that likely do not appeal to youth.

We applaud the Legislature for considering this measure, and thank this committee for your consideration of HB 1573 HD2.

We respectfully ask you to pass this measure.

Mahalo,

A handwritten signature in black ink that reads "Kevin Ramirez". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kevin Ramirez  
Coalition for a Tobacco-Free Hawai'i Program Manager  
Hawai'i Public Health Institute

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

**2** Centers for Disease Control and Prevention. (2023, May 4). *Burden of cigarette use in the U.S.* Centers for Disease Control and Prevention.

<https://www.cdc.gov/tobacco/campaign/tips/resources/data/cigarette-smoking-in-united-states.html>

**3** *The toll of tobacco in Hawaii.* Campaign for Tobacco-Free Kids. (2025, December 15).

<https://www.tobaccofreekids.org/problem/toll-us/hawaii>

**4** U.S. Food and Drug Administration. (2024, August 29). *FDA issues final rule increasing the minimum age for certain restrictions on tobacco sales.* U.S. Food and Drug Administration.

<https://www.fda.gov/news-events/press-announcements/fda-issues-final-rule-increasing-minimum-age-certain-restrictions-tobacco-sales>

**5** Hawai'i Health Matters. (n.d.). *Tobacco Prevention & Control 2030 Tracker.* Hawaii.

<https://www.hawaiihealthmatters.org/indicators/index/dashboard?alias=Tobacco2030>

**6** U.S. Food and Drug Administration. *E-Cigarettes, "Vapes" and Other Electronic Nicotine Delivery Systems (ENDS) Authorized by the FDA.*

<https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends-authorized-fda>

**Committee  
Members**

Annaleah Atkinson  
808 652-7743

Regina Floyd  
702 292-2372

Brian Foster  
808 639-3529

Kristen Greene  
808 346-0386

Doug Haigh  
808 635-1120

Diana Harvey  
530 635-7052

Barbara Honeycutt  
541 251-1487

Dave Lister  
618 237-9138

Scott McCubbins  
816 781-5883

Graeme Merrin  
808 651-7211

Ryan Moen  
808 651-0726

Tommy Noyes  
808 639-1018

Jessica Pinson  
937 901-5818

Doug Shannon  
909 496-1188

Valerie Woods  
808 822-2420

Ron Wiley  
808 245-9527

Tom Worthen  
435 994-0023



February 24, 2026

House Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair, Rep. Mahina Poepoe, Vice Chair, and members Rep. Della Au Belatti, Rep. Jackson D. Sayama, Rep. Elle Cochran, Rep. Gregg Takayama, Rep. Mark J. Hashem, Rep. Diamond Garcia, Rep. Kirstin Kahaloa, and Rep. Garner M. Shimizu

**Strong Support for HB 1573 HD2, RELATING TO HEALTH.**

**Requires electronic smoking device and e-liquid manufacturers to certify to the Department of Attorney General annually that the manufacturer received a Marketing Granted Order from the federal Food and Drug Administration and that the manufacturer is in compliance with federal regulations and state laws. Requires the Department to compile and make public a directory of all electronic smoking device and e-liquid manufacturers and products duly certified. Establishes penalties for manufacturers that fail to comply with the certification requirements and for other parties that sell products that are not in the directory.**

Aloha JHA Committee Members,

I represent the Friends of Kamalani & Lydgate Park, a community service organization that built a major playground in Lydgate Beach Park on Kaua'i in 1994. Every weekend we bring families together to work collaboratively, sustaining that facility and other attractive features of that popular regional park.

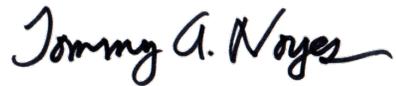
This directory bill will ban all tobacco products that aren't on the authorized list of 39 products from the FDA. The bill's purpose is to remove thousands of different e-cigarette products currently available for purchase.

The tobacco companies are preying on our precious keiki for profit. We must stop them. Since most products targeting youth will be made illegal, this law would help keep our keiki safe from Big Tobacco.

It's more important than ever for our state to take responsibility for defending public health and strengthening tobacco regulations. While California has successfully established a similar practice to help ensure only approved products are sold in their state, the Trump administration has dismantled the CDC's Office on Smoking and Health and cut funding for local cessation and prevention programs.

Rather than allowing the tobacco industry to continue to entice our children into a lifetime of addiction, we urge you as state leaders to now do the right thing—act honorably and swiftly ban flavored tobacco products. This can save future generations from the preventable suffering that comes with tobacco use.

Mahalo for your attention to this testimony, and for protecting our keiki.

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

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

Wednesday, February 25, 2026 at 2:00 PM  
Via Video Conference; Conference Room 325

**House Committee on Judiciary & Hawaiian Affairs**

To: Representative David Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair

From: Michael Robinson  
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of HB 1573, HD2  
Relating to Health**

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My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

HPH supports HB 1573, HD2 which requires that electronic smoking devices and e-liquid manufacturers annually certify to the Department of Attorney General that they have a Marketing Granted Order from the FDA and comply with federal and state laws. The Department must publish a directory of certified manufacturers and products. Penalties are imposed on manufacturers who fail to certify and on parties selling uncertified products.

Tobacco use remains the leading cause of preventable disease and death in the United States and in Hawai'i. Tobacco use is a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and our healthcare system. In Hawaii, approximately \$611 million is spent annually on healthcare costs directly attributed to smoking. Smoking-related illnesses result in an estimated \$1.1 billion in lost productivity each year. E-cigarette use or vaping among youth and young adults has become a national public health concern. E-cigarettes are now the most popularly used tobacco product among youth and young adults, surpassing cigarettes. While smoking rates in Hawaii have decreased over the years, electronic smoking device (ESD) use has rapidly increased.

Under the authority granted by the Family Smoking Prevention and Tobacco Control Act (TCA), the Food and Drug Administration (FDA) is empowered to regulate tobacco products and e-cigarettes. The TCA mandates manufacturers of new e-cigarette products to submit a Premarket Tobacco Product Application and receive a marketing granted order (MGO) before the product may be legally sold in the United States. As of

the end of 2025, only 39 tobacco and menthol e-cigarette products were granted an MGO. However, many e-cigarette products that lack an MGO are sold in Hawai'i.

This measure would be in alignment with federal requirements and create a coordinated effort to curtail the sale of e-cigarette products that have not been approved by the FDA. It would help to address the public health problem that e-cigarette use is becoming, and provides clarity to retailers and distributors about which e-cigarette products are compliant with federal and state regulations and are allowed to be sold in the State

Thank you for the opportunity to testify.

To: House Committee on Judiciary & Hawaiian Affairs  
Re: **HB1573 HD1 – Relating to Health**  
Hawai'i State Capitol & Via Videoconference  
February 25, 2026, 2:00 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB1573 HD2**. This bill requires electronic smoking device and e-liquid manufacturers to certify to the Department of Attorney General annually that the manufacturer received a Marketing Granted Order from the federal Food and Drug Administration (FDA) and that the manufacturer is in compliance with federal regulations and state laws.

Hawai'i has some of the highest youth e-cigarette use rates in the nation, with more than 1 in 4 (29%) of high school and 1 in 6 (17%) of middle school students having tried e-cigarettes.<sup>1</sup> Flavored products play a major role in attracting young users, and Hawai'i was recently given a grade of "F" in the ending of the sale of all flavored tobacco products by the American Lung Association.<sup>2</sup>

Thousands of unauthorized e-cigarettes remain on the market, fueling youth use. The FDA regulates these products through a rigorous premarket review process that requires manufacturers to show a product is appropriate for the protection of public health—meaning it may help adult smokers reduce combustible cigarette use without appealing to youth.

This bill would allow only FDA-authorized products — currently fewer than 40<sup>3</sup> — to be sold in Hawai'i. No candy or fruit flavored products that appeal to keiki have received authorization. While authorized products are not safe, they have been scientifically reviewed and are less likely to appeal to youth than the thousands of unauthorized products now on the market.

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

Thank you,

Nicole Woo  
Director of Research and Economic Policy

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<sup>1</sup> <https://hhdw.org/report/query/selection/yrbs/YRBSSelection.html>

<sup>2</sup> <https://www.lung.org/media/press-releases/fy26-sotc-hawaii>

<sup>3</sup> <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends-authorized-fda>

**HB-1573-HD-2**

Submitted on: 2/23/2026 2:33:49 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

I KĀKO‘O this bill.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

**HB-1573-HD-2**

Submitted on: 2/23/2026 2:36:14 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo.

**HB-1573-HD-2**

Submitted on: 2/23/2026 3:04:28 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Stensrud	Individual	Support	Written Testimony Only

Comments:

**I strongly support HB1573 which would create a registry of approved electronic smoking devices for sale. Currently the state has no way to keep illegal devices off of store shelves and can only request retailers to stop selling them. This bill would give the Attorney General's Office the authority to stop the sale of these illegal devices that cause so much harm in our communities. Without this bill unscrupulous retailers will continue to sell these products putting their profits over the health of our people.**

**Please support HB1573**

**HB-1573-HD-2**

Submitted on: 2/23/2026 5:18:48 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

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February 25, 2026

Aloha Chair Tarnas, Vice Chair Poepoe and members of the House Judiciary and Hawaiian Affairs Committee,

I am writing in support of HB 1573, HD2, "Relating to Health."

The Hawaii Attorney General has deemed that currently only representatives of the U.S. Food and Drug Administration have the authority to enforce its rules intended to govern illegally marketed tobacco products. Earlier this year the White House administration gutted the FDA's tobacco prevention and control division leaving enforcement efforts in limbo. Therefore, it is imperative that the Hawaii State Legislature expand the Hawaii AG's office authority to also enforce against the unauthorized marketing and sale of electronic smoking devices. HB 1573, HD1 would grant that authority to the Hawaii AG's office.

E-cigarettes have quickly become one of the most popular nicotine devices sold illegally our keiki and young people. In addition to serving as a way to hook our children at early ages on nicotine (which can also lead to increasing their vulnerability to other potentially deadly addictions, and to leading health risks such as cardiovascular disease, Hawaii's leading cause of death and disability).

Unfortunately, many of the e-cigarettes offered for sale in Hawaii are not approved by the U.S. Food and Drug Administration as safe for sale or consumption and are therefore on the market illegally. Because of recent cuts to the FDA's Tobacco Control and Prevention Program by the current administration, the need to regulate those products falls is falling on state and local legislators to protect their constituents and environments.

I urge you to support HB 1573, HD2 to help reign in the illegal sale and use of those products and to support the Hawaii Attorney General's office in enforcing against their illegal sale to minors.

Mahalo for your attention to this important bill.

Respectfully submitted,

Don Weisman  
Kailua, HI

## **HB 1573**

### **Ban on all tobacco products not on FDA pre-approved list**

I am writing in strong support of HB 1573 which bans all tobacco products not on the FDA's pre-approved list. This will effectively ban thousands of tobacco products, mostly electronic tobacco devices, which until now have been unregulated and easily available to both teens and adults. At present there are 39 approved tobacco products. Most of the banned products have been specifically targeted towards youth, with attractive packaging, screens with games, and catchy flavors. The nicotine concentrations are very high and addictive, assuring a captive audience for years to come. The single use cartridges have been piling up on our beaches and streets, and are resulting in a fire risk from the lithium ion batteries and pollution from heavy metals, plastics, and nicotine.

This bill is a good start in ridding Hawaii of the burden of flavored tobaccos, which have had a devastating effect on our keiki, schools, and the environment. Many thanks for taking this step and voting to protect our kids.

Respectfully,

Linda Weiner, MD

Retired pediatrician, Kauai

Date: February 23, 2026

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

Re: **Support for HB1573 HD2**, Relating to Health

Hrg: Wed February 25, 2026 at 2:00 pm via Videoconference Conference Room 325

Aloha House Committee on Judiciary & Hawaiian Affairs,

As a parent, community member and healthcare professional I am writing in **strong support of HB1573 HD2**, which requires electronic smoking device and e-liquid manufacturers to certify to the Department of Attorney General annually that the manufacturer received a Marketing Granted Order from the federal Food and Drug Administration and that the manufacturer is in compliance with federal regulations and state laws; requires the Department to compile and make public a directory of all electronic smoking device and e-liquid manufacturers and products duly certified; and, establishes penalties for manufacturers that fail to comply with the certification requirements and for other parties that sell products that are not in the directory.

This directory bill will ban all electronic smoking products (vapes) that are not on a pre-approved list of products from the US Food and Drug Administration (FDA).

**HB1573 HD2** will remove thousands of unregulated e-cigarette products currently available for purchase in Hawai'i for which FDA approval for marketing has not been granted.

Under **HB1573 HD2**, most e-cig products which target our youth will be made illegal, helping protect our keiki from life-long nicotine addiction.

To date, sixteen states have established similar registries to ensure that only FDA-approved products are sold in their states.

I **strongly support HB1573 HD2**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**HB-1573-HD-2**

Submitted on: 2/23/2026 11:34:38 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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 will prevent the sale of tobacco products that are not any of the 39 pre-approved products by the FDA.

The American Academy of Pediatrics has strongly supported elimination of tobacco and nicotine products. These products have been shown to be disproportionately used by young people. Big Tobacco and vaping companies are blatantly disregarding the FDA approval process and flooding the market with illegal unapproved nicotine products.

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 the wide range of unapproved nicotine 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-1573-HD-2**

Submitted on: 2/24/2026 8:31:10 AM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jay Ihara	Individual	Support	Written Testimony Only

Comments:

My name is Jay Ihara, and I support HB1573 HD2. This bill aims to create a directory that will ban all tobacco products not included on the authorized list of 39 products from the FDA. If passed, it will eliminate thousands of different e-cigarette products currently available for purchase. Most products that target youth will be made illegal, helping to keep our keiki safe from Big Tobacco. California has implemented a similar practice to ensure that only approved products are sold in its state.

Thank you for your time and consideration.

**HB-1573-HD-2**

Submitted on: 2/24/2026 10:09:29 AM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jake J. Watkins	Individual	Oppose	Written Testimony Only

Comments:

This overregulation will be a business killer for vape shops.

**HB-1573-HD-2**

Submitted on: 2/24/2026 10:14:17 AM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Vice Chair,

As a parent, grandparent and a tobacco treatment specialist I strongly support HB1573 because:

- This directory bill will ban all tobacco products that aren't on the authorized list of 39 products from the FDA.
- Passing this will remove thousands of different e-cigarette products currently available for purchase.
- Most products targeting youth will be made illegal, helping keep our keiki safe from Big Tobacco.
- California has established a similar practice to help ensure only approved products are sold in their state.

Thank You Valerie Smalley

**HB-1573-HD-2**

Submitted on: 2/24/2026 11:08:16 AM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a resident in Pukalani Maui, a parent, and a health educator, and I am in support of HB1573 HD2 to allow only FDA authorized ESD products.

Electronic Cigarette Devices (ESDs) are not only harmful to humans but are especially harmful to our youth and to our environment. There are currently way more ESD products being sold than are authorized through the FDA.

HB1573 HD2 would ban all tobacco products that aren't on the FDA authorized list. Further, passing this bill will remove thousands of ESD products, that often find their way to our youth and end up being dumped in our environment.

Please support HB1573 HD2 and be part of the solution to help keep our youth and our environment safer from the unhealthy effects of ESDs.

Thank you,

Kristin Mills

**HB-1573-HD-2**

Submitted on: 2/24/2026 1:43:45 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shani Carvalho	Individual	Support	Written Testimony Only

Comments:

Aloha nui kākou,

My name Shani Kai Carvalho of Paauilo, Hāmākua. I serve my community as a certified Tobacco Treatment Specialist at Hamakua-Kohala Health Hawaii Island and am a mother of four ages 8-18, and I support HB 1573 HD2 that will allow only FDA authorized electronic smoking device products to be sold our state. This bill will allow us to help keep our keiki safe from Big Tobacco by not having products that target them on the market. Mahalo, Kai Carvalho

**HB-1573-HD-2**

Submitted on: 2/24/2026 3:04:18 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donita Garcia	Individual	Support	Written Testimony Only

Comments:

- This directory bill will ban all tobacco products that aren't on the authorized list of 39 products from the FDA.
- Passing this will remove thousands of different e-cigarette products currently available for purchase.
- Most products targeting youth will be made illegal, helping keep our keiki safe from Big Tobacco.
- California has established a similar practice to help ensure only approved products are sold in their state.

**HB-1573-HD-2**

Submitted on: 2/25/2026 1:07:14 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jenny Chan	Individual	Oppose	Written Testimony Only

Comments:

This kind of ban is really going to piss people off that vape.