

# OFFICE OF INFORMATION PRACTICES

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To: House Committees on Health and on Human Services & Homelessness

From: Carlotta Amerino, Director

Date: February 4, 2026  
State Capitol, Conference Room 329

Re: Testimony on H.B. No. 1573  
Relating to Health

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Thank you for the opportunity to submit testimony on this bill, which would require electronic smoking device and e-liquid manufacturers to submit certifications with the Department of Taxation (TAX) annually. The Office of Information Practices (OIP) **takes no position on the substance of this bill, but has concerns about the overly broad confidentiality provision** on bill page 3.

Proposed subsection 28-\_\_\_(d) makes confidential a manufacturer's submission to the Department of Health (DOH) of the "marketing granted order" issued by the Food and Drug Administration (FDA). Subsection 28-\_\_\_(d) would prohibit the disclosure of this information even to other agencies. In other words, manufacturers are required to give DOH proof that each model or brand they wish to sell is approved by the FDA, but this subsection would make that proof completely confidential and prohibit showing that proof to any other agency, even the Department of the Attorney General. The records showing that a manufacturer has the FDA's approval to sell a product do not appear to be so confidential that they cannot be disclosed even to law enforcement agencies. There also is no apparent reason why the public should not be allowed to know whether a product

sold in Hawaii is FDA-approved. Therefore, OIP respectfully suggests that subsection 28-\_\_\_\_(d) is overly broad.

The Uniform Information Practices Act (Modified) (UIPA), chapter 92F, Hawaii Revised Statutes (HRS), provides an exception to public disclosure of government records that applies to confidential commercial and financial information. The exception found in section 92F-13(3), HRS, for “records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function” already protects confidential business information. Therefore if, for example, the marketing granted order issued by the FDA for some reason contains confidential marketing plans, then that section of the letter could still be withheld or redacted under the UIPA. **OIP therefore respectfully recommends the deletion of subsection 28-\_\_\_\_(d).**

Additionally, subsection 28-\_\_\_\_(d) states that the manufacturer “may redact certain confidential commercial or financial information under subsection (c)(1).” It is unclear why, if the information submitted is already considered confidential, the manufacturers would be disclosing this information to DOH in redacted form. It is also unclear why the proposed subsection would give the discretion to redact information to the manufacturer, which is not subject to the UIPA. **OIP therefore respectfully recommends that the sentence allowing the manufacturer to redact information be removed, or, if kept, that the sentence be changed to give the discretion to redact information to DOH, instead of the manufacturer.**

Thank you for considering OIP’s testimony.



**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, RELATING TO HEALTH.

**BEFORE THE:**  
HOUSE COMMITTEE ON HEALTH

**DATE:** Wednesday, February 4, 2026      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329

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

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Chair Takayama 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 an 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 an MGO from the FDA are still sold in Hawaii.

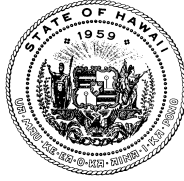
This bill would create a state-managed directory, parallel to and in alignment with federal FDA regulations. This directory would provide much-needed clarity to retailers and distributors about which e-cigarette products are compliant with both state and federal regulations and are allowed for sale in 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 the Committee to pass this bill and 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 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. 1573  
RELATING TO HEALTH**

REPRESENTATIVE GREGG TAKAYAMA, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 4, 2026, 9:00 AM

Room Number: Conference Room 329  
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 (H.B. 1573) and defers to the AG  
5 regarding the administrative and enforcement requirements of this measure.

6 **Department Testimony:** H.B. 1573 requires manufacturers of ESDs and e-liquid products to  
7 submit proof to the AG that they received a marketing granted order (MGO) from the U.S. Food  
8 and Drug Administration (FDA) and are in compliance with state and federal laws in order to sell  
9 their products for retail sale or to consumers in Hawaii.

10 Since the U.S. Surgeon General declared vaping as a youth epidemic in 2018,<sup>1</sup> the state  
11 and federal government have not put in place adequate protections to prevent the marketing  
12 of ESDs to youth. The result is that between 2019 and 2023, U.S. ESD sales increased by 47%

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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>

1 from 210.5 million to 309.4 million units.<sup>2</sup> Of the ESD products sold in the U.S., as much as 54%  
2 are illegal.<sup>3</sup> Many of these products contain toxic chemicals such as formaldehyde, lead, and  
3 acrolein, and are designed with built-in video games and Bluetooth speakers and come in candy  
4 or fruity flavors to attract youth.<sup>4</sup> Additionally, the permissive federal enforcement practice  
5 leaves many ESD products with submitted but pending premarket tobacco product applications  
6 (PMTAs) on the market.<sup>5</sup> States cannot enforce federal laws, and without additional state-level  
7 legislation, the impasse continues with illegal ESD products remaining on store shelves and  
8 available online.

9 In Hawaii, the story of delayed public health and enforcement action, and the need for  
10 stronger state authority is supported by data. Young adults ages 18 to 24, and 25 to 34 years  
11 old, use ESDs at the highest rates amongst adults, at 23% and 25%, respectively.<sup>6</sup> High school  
12 and middle school students ESD use rates are 13% and 10%, and ever tried ESD rates are 28%

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<sup>2</sup> *Monitoring E-Cigarette Trends in the United States*. (2024). Truth Initiative; CDC Foundation.

<https://tobaccomonitoring.org/wp-content/uploads/2024/11/2024MonitoringE-CigaretteTrendsUS-1.pdf>

<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-mph-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-mph-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>

1 and 17%, respectively.<sup>7,8,9,10</sup> The middle school currently use and ever tried ESD rates increased  
2 significantly from 2021 to 2023. Meanwhile, the DOH is receiving requests for resources from  
3 elementary school teachers and administrators because their students bringing and using ESDs  
4 on campus.<sup>11</sup> Taxes have stemmed some usage for the price sensitive, and the DOH is  
5 increasing prevention education and quit resources for youth and youth adults, and resources  
6 for educators and parents. Still, commensurate state authority is needed so products that do  
7 not have the FDA MGOs can be removed from the market.

8 To date, the U.S. FDA has an existing list of 39 ESD products authorized for sale in the  
9 United States,<sup>12</sup> however as of September 2025, there are over 6,800 ESD products available for  
10 sale.<sup>13</sup> H.B. 1573 would strengthen the ability for AG to enforce the FDA list by requiring that  
11 every manufacturer of an ESD or e-liquid sold in the State must certify that an MGO was  
12 received and that they are compliant with both state and federal laws.

13 The changing nature of the vaping epidemic with shifts to younger ages and a rise in use  
14 among young adults raises concerns about the lack of current efforts to curb this public health

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<sup>7</sup> Hawai'i IBIS - Query Result—Hawai'i 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/yrbs/VaporCurr/VaporCurr\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html)

<sup>8</sup> Hawai'i IBIS - Query Result—Hawai'i 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/yrbs/VaporEver/VaporEver\\_MS\\_CNTY.html](https://hhdw.org/report/query/result/yrbs/VaporEver/VaporEver_MS_CNTY.html)

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

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

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

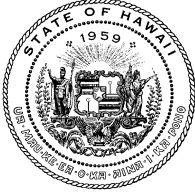
<sup>13</sup> CDC Foundation. (2025, September). E-Cigarette & Tobacco Monitoring and Research. Monitoring Tobacco Product Use. <https://tobaccomonitoring.org/>

1 concern for future generations. The DOH supports H.B. 1573 as a coordinated public health  
2 measure to enforce FDA MGO and regulate illegal ESDs from being sold in Hawaii.

3 **Offered Amendments:** None

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





**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 2, 2026

TO: HOUSE COMMITTEE ON HEALTH  
Representative Gregg Takayama, Chair  
Representative Sue L. Keohokapu-Lee Loy, 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 -- RELATING TO HEALTH E-SMOKING**

HEARING: Wednesday, February 4, 2026 @ 09:00 am; Conference Room 329

POSITION: SUPPORT with COMMENTS

TESTIMONY:

SHPDA strongly supports HB 1573 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

**HB-1573**

Submitted on: 2/2/2026 9:53:04 AM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cori Takesue	Lanai Community Health Center	Support	Written Testimony Only

## Comments:

I writing in support of HB1573. As a tobacco treatment specialist and behavioral health provider, my preference would be for the removal of all e-cigarette and other tobacco products. If that can't be done then I guess at minimum, it would be important for our state to limit the sale of e-cigarette products to only those that are FDA authorized. This bill will allow a ban of sale on all products that aren't on a pre-approved list of 39 products from the FDA (California has already established a similar practice). Pasing this would remove thousands of harmful e-cigarette products that are currently available for purchase. A large proportion of these products target our youth through their flavors and packaging. This bill would help to keep our keiki safe from the Big Tobacco industries as their products would be made illegal. Our keiki's health should be a top priority as they are the future of our state. Please consider the support of HB1573. This would be a stepping stone in the right direction. Thank you for your time and consideration.

Cori



Hearing on 2-4-26

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

Dear House Health and Human Services/Homelessness Committees,

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.

Respectfully request that this mean spirited, convoluted, mess of a bill not leave the HLT/HSN committees. Thank you for your time.

Sincerely,

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

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



## 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

Titimaeta Ta'ase, JD  
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Taase Law Office

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*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 3, 2026

To: Representative Gregg Takayama, Chair  
Representative Sue L. Keohokapu-Lee Loy, Vice Chair  
Members of the House Committee on Health

RE: Support for HB 1573, Relating to Health

Hrg: Wednesday, February 4, 2026, at 9:00 AM, Room 329

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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**, 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.

## Only 39 Products on Approved List

Currently there are thousands of unauthorized e-cigarette products on the market driving youth initiation and uptake. The federal 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 meet a certain standard. The standard that e-cigarette products have to meet is if that product is appropriate for the protection of public health, if the product will assist adult smokers reduce their use of combustible cigarettes without appealing to youth. This is a high standard, and one the Hawai'i Public Health Institute supports.

## 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. 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.



We respectfully ask you to pass this measure as is.

Mahalo,

A handwritten signature in black ink, appearing to read "Kevin Ramirez", with a fluid, cursive style.

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.



### Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814  
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

#### HOUSE COMMITTEE ON HEALTH

Representative Gregg Takayama, Chair

Representative Sue Keohokapu-Lee Loy, Vice Chair

Date: February 4, 2026

From: Hawaii Medical Association (HMA)

Elizabeth Ann Ignacio MD - Chair, HMA Public Policy Committee

Christina Marzo MD and Robert Carlisle MD, Vice Chairs, HMA Public Policy Committee

**RE HB 1573** RELATING TO HEALTH: AG; Electronic Smoking Devices; E-Liquids; Marketing Granted Order; Directory; Penalties

Position: **Support**

This measure 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; require the Department to compile and make public a directory of all electronic smoking device and e-liquid manufacturers and products duly certified; establish penalties for manufacturers that fail to comply with the certification requirements and for other parties that sell products that are not in the directory.

Local public health reporting indicates that 46% of Hawaii high school students who vape are vaping every day, reflecting strong patterns of frequent use among current youth vapers. Companies have aggressively marketed to youth using social media and enticing flavors. While the legal minimum age for purchasing tobacco products in Hawaii is 21, some teens are circumventing age verification by purchasing e-cigarettes online and then both using and reselling the products.

Teen vaping exposes adolescents to nicotine addiction, harms brain development (affecting attention, learning, and mood), and increases the risk of respiratory symptoms and later use of combustible tobacco and other substances.

HMA supports this measure that strengthens consumer protection and public health by helping prevent the sale of unauthorized vaping products that have not met federal premarket standards, while improving transparency and enforceability for retailers and regulators in our state.

Thank you for allowing the Hawaii Medical Association to submit testimony in support of this measure.

#### REFERENCES AND QUICK LINKS

##### 2026 Hawaii Medical Association Public Policy Coordination Team

Elizabeth A Ignacio, MD, Chair • Robert Carlisle, MD, Vice Chair • Christina Marzo, MD, Vice Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

##### 2026 Hawaii Medical Association Officers

Nadine Tenn-Salle, MD, President • Jerald Garcia, MD, President Elect • Elizabeth Ann Ignacio, MD, • Immediate Past President  
Laeton Pang, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

DeGracia, Daniel. "Understanding Youth Vaping in Hawai'i." *LivingHealthy.Hawaii.gov*, 9 Dec. 2025, [livinghealthy.hawaii.gov/tobacco-free/vaping/](https://livinghealthy.hawaii.gov/tobacco-free/vaping/).

Erythropel HC, Jabba SV, Silinski P, et al. Variability in Constituents of E-Cigarette Products Containing Nicotine Analogues. *JAMA*. 2024;332(9):753–755. doi:10.1001/jama.2024.12408

Whitacre TR, Crippen A, Monthrope M, et al. Tobacco product flavour policies in the USA *Tobacco Control* 2025;34:688-693.

Pattani, Aneri. "Many Young Adults Who Began Vaping as Teens Can't Shake the Habit." *KFF Health News*, 12 June 2024, [www.kffhealthnews.org/news/article/many-young-adults-who-began-vaping-as-teens-cant-shake-the-habit/](https://www.kffhealthnews.org/news/article/many-young-adults-who-began-vaping-as-teens-cant-shake-the-habit/)

#### **2024 Hawaii Medical Association Officers**

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President  
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

#### **2024 Hawaii Medical Association Public Policy Coordination Team**

Beth England, MD, Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

**HB-1573**

Submitted on: 1/31/2026 9:46:13 AM

Testimony for HLT on 2/4/2026 9:00:00 AM

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

Comments:

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## **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

**HB-1573**

Submitted on: 2/1/2026 3:41:41 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

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

Comments:

This bill is costly and unneeded overregulation.

Date: February 1, 2026

To: The Honorable Gregg Takayama, Chair  
The Honorable Sue L. Keohokapu-Loy, Vice Chair  
Members of the House Committee on Health

The Honorable Lisa Marten, Chair  
The Honorable Ikaika Olds, Vice Chair  
Members of the House Committee on Human Services & Homelessness

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

Hrg: Wednesday February 4, 2026 at 9:00 am via Videoconference Conference Room 329

Aloha House Committees on Health and Human Services & Homelessness,

As a parent, community member and healthcare professional I am writing in **strong support of HB1573**, 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** 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**, 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**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

**HB-1573**

Submitted on: 2/2/2026 9:57:40 AM

Testimony for HLT on 2/4/2026 9:00:00 AM

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

Comments:

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, Chair Marten, Vice Chair Olds:

As a public health advocate, I am in strong support of HB 1573 allowing only FDA authorized ESD products to be sold in Hawai'i. This directory bill will ban all tobacco products that are not on a pre-approved list from the FDA. Most products targeting youth will be made illegal, helping to keep our keiki safe from Big Tobacco.

Please support this bill to keep our keiki and our state safe from Big Tobacco.

Mahalo for your time and attention.

**HB-1573**

Submitted on: 2/2/2026 1:06:44 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

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

Comments:

Aloha House Committee on Health,

My name is Jay Ihara, and I support HB1573. This bill aims to ban all tobacco products that are not included on a pre-approved list of 39 products from the FDA. If passed, it will eliminate thousands of e-cigarette products currently available for sale. Most products that target youth will become illegal, helping to protect our children from the influence of Big Tobacco. California has implemented a similar strategy to ensure that only approved products are sold in its state. Mahalo for your time and consideration.

**HB-1573**

Submitted on: 2/2/2026 2:55:55 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

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

## Comments:

I strongly support this directory bill because it will finally ensure that only tobacco products reviewed and approved by the FDA can be sold in Hawai‘i. By limiting sales to a pre-approved list of just 39 products, this bill will remove thousands of unregulated e-cigarette products currently flooding our market. Most of the items that specifically target youth will become illegal, helping protect our keiki from aggressive Big Tobacco marketing and highly addictive products. Other states, like California, have already adopted similar practices to ensure only approved products are sold, and Hawai‘i should do the same. Please pass this bill to create a safer, more accountable marketplace for our families and communities.

**HB-1573**

Submitted on: 2/2/2026 4:31:34 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Higa	Individual	Oppose	Written Testimony Only

Comments:

This bill is excessive. It's not going to take away the products I enjoy.

**HB-1573**

Submitted on: 2/2/2026 4:51:47 PM

Testimony for HLT on 2/4/2026 9:00:00 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 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**

Submitted on: 2/2/2026 9:38:51 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maya Maxym	Individual	Support	Written Testimony Only

Comments:

- 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.

**HB-1573**

Submitted on: 2/3/2026 7:55:58 AM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
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 ask retailers to stop selling them. Without this bill unscrupulous retailers will continue to sell these products putting their profits over the health of our people.

Aloha Chair Takayama, Vice Chair Keohokapu-Lee Loy, and Committee Members,

I am writing in strong support of HB 1573, a bill that would allow only FDA approved electronic smoking devices for sale in our state.

Currently there are thousands of e-cigs for sale in Hawai'i that are not federally approved for sale. Passing this bill would remove from sale all e-cigs (Electronic Smoking Devices) that have not been federally approved for sale. Many of the products removed from sale have been made and even advertised with a youth market in mind, and having these products removed from sale throughout the islands will help protect our youths from Big Tobacco, and the ever-expanding e-cig industry.

In my time as a Tobacco Treatment Specialist, I have had many adult patients that started vaping as teens. Across the board it has been very hard for them to quit, even with the use of appropriate nicotine replacement therapy. Please pass HB 1573 and help remove unapproved e-cigarettes from our state.

-Mahalo for your time,

Michael Paul

Resident of House District 27

**LATE**

**HB-1573**

Submitted on: 2/3/2026 9:01:11 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ricardo Molero Bravo	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice-Chair, and Members of the Committee,

I support **HB 1573**, which requires manufacturers of electronic smoking devices and e-liquids sold in Hawai‘i to annually certify compliance with federal marketing authorization and state laws, and directs the Attorney General to maintain a public directory of certified products. This transparency and accountability measure will help protect public health—especially for our youth—by reducing access to unverified and potentially harmful vaping products that have proliferated without proper oversight. Strengthening regulatory requirements for these products aligns with evidence-based strategies to curb nicotine addiction and safeguard community health.

Mahalo for the opportunity to testify.

**LATE**

**HB-1573**

Submitted on: 2/3/2026 11:24:26 PM

Testimony for HLT on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sara Harris	Individual	Support	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee:

My name is Sara Harris, and I am an OBGYN practicing in Hawai‘i. I submit this testimony in **strong support of HB1573**.

In my clinical practice, I care for patients who are pregnant, postpartum, or of reproductive age, many of whom are exposed to or use electronic smoking devices. Nicotine exposure during pregnancy is associated with increased risks of fetal growth restriction, preterm birth, placental complications, and adverse neonatal outcomes. Despite these risks, many patients perceive electronic smoking devices as safe, particularly when products are widely marketed and readily available.

HB1573 is an important patient-safety measure. Requiring manufacturers of electronic smoking devices and e-liquids to certify FDA authorization and compliance with federal and state laws, and establishing a public directory of approved products, promotes transparency and reduces the availability of unapproved products with unknown risks. Strong enforcement mechanisms are necessary to ensure these protections are meaningful.

From an OB-GYN perspective, prevention is critical. Limiting access to unauthorized nicotine products helps protect pregnant patients, fetuses, and future reproductive health. I respectfully urge the Committee to **pass HB1573**.

Thank you for the opportunity to provide testimony.

Respectfully,  
Sara C Harris, MD