

**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

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March 20, 2026

TO: SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, 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-HD3 -- RELATING TO HEALTH

HEARING: Friday, March 20, 2026 @ 09:30 am; Conference Room 229

POSITION: SUPPORT with COMMENTS

Testimony:

SHPDA strongly supports HB 1573-HD3 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 bill 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.

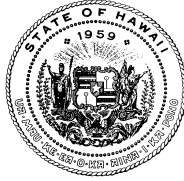
HB 1573-HD3: testimony of SHPDA (2026), continued.

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.

Thank you for hearing HB1573-HD3.

Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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Honolulu, HI 96801-3378
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**Testimony in SUPPORT of H.B. 1573, H.D. 3
RELATING TO HEALTH**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR JARRETT KEOHOKALOPE, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date: March 20, 2026
9:30 AM

Room Number: Conference Room 229
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 3 (H.B. 1573, H.D. 3) and
5 the AG taking the lead on the administrative and enforcement requirements of this measure.
6 H.B. 1573, H.D. 3 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 2018,¹ 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

¹ 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 increased by 47% from 210.5 million to 309.4 million units.² Of the ESD products sold in the
2 U.S., as much as 54% are illegal.³ Many of these products contain toxic chemicals such as
3 formaldehyde, lead, and acrolein, and are designed with built-in video games and Bluetooth
4 speakers and come in candy or fruity flavors to attract youth.⁴ Additionally, permissive federal
5 enforcement leaves many ESD products with submitted but pending premarket tobacco
6 product applications (PMTAs) on the market.⁵ States cannot enforce federal laws, and without
7 additional state-level legislation, illegal ESD products remain on store shelves and available
8 online.

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

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

³ 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>

⁴ 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>

⁵ 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>

⁶ *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>

⁷ *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/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

⁸ *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/yrbs/VaporEver/VaporEver_MS_CNTY.html

⁹ *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/yrbs/VaporCurr/VaporCurr_HS_ST.html

¹⁰ *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/yrbs/VaporEver/VaporEver_HS_ST.html

1 The DOH receives requests for ESD resources from elementary school teachers and
2 administrators because their students are bringing and using ESDs on campus.¹¹ Taxes have
3 reduced use for some price sensitive users, and the DOH is expanding prevention education and
4 quit resources for youth and youth adults, along with resources for educators and parents. Still,
5 stronger state authority is needed to remove illegal products, those without the FDA MGOs.

6 Currently, the FDA has authorized 41 ESD products for sale in the United States,¹² but as
7 of September 2025, there are over 6,800 ESD products available for sale.¹³ H.B. 1573, H.D. 3
8 would give the AG the power to enforce the FDA list by requiring that every manufacturer of an
9 ESD or e-liquid sold in Hawaii must certify that an MGO was received and that they are
10 compliant with both state and federal laws.

11 The vaping epidemic is shifting to younger ages and is rising among young adults.
12 Without stronger action, this public health crisis will continue to harm future generations. ESDs
13 are known to adversely impact the health of youth. Youth who use ESDs reported higher
14 diagnosis of bronchitis, pneumonia, or chronic cough¹⁴ and early exposure to nicotine is linked
15 to dependence and can harm adolescent brain development.¹⁵ The DOH supports H.B. 1573,
16 H.D. 3 as a coordinated public health measure to enforce the FDA MGO and regulate illegal
17 ESDs being sold in Hawaii.

18 **Offered Amendments:** None

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

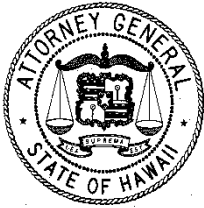
¹¹ Hawaii News Now. (2025, April 30). *As vaping increases among youth, health officials warn of links to anxiety and depression* [Video recording]. <https://www.youtube.com/watch?v=fFYL4E6SY4U>

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

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

¹⁴ Mukerjee, R., Hirschtick, J.L., Zavala Arciniega, J.L., Xie, Y., Barnes, G.D., Arenberg, D.A., Levy, D.T., Meza, R., Fleischer, N.L., Cook, S.F., *ENDS, Cigarettes, and Respiratory Illness: Longitudinal Associations Among U.S. Youth*, American Journal of Preventive Medicine, Volume 66, Issue 5, 2024, <https://doi.org/10.1016/j.amepre.2023.12.005>.

¹⁵ Boykan, R., Goniewicz, M. L., & Messina, C. R. (2019). Evidence of Nicotine Dependence in Adolescents Who Use Juul and Similar Pod Devices. *International Journal of Environmental Research and Public Health*, 16(12), 2135. <https://doi.org/10.3390/ijerph16122135>



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

ON THE FOLLOWING MEASURE:

H.B. NO. 1573, H.D. 3, RELATING TO HEALTH.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND ON
COMMERCE AND CONSUMER PROTECTION

DATE: Friday, March 20, 2026

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 229

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

Chairs San Buenaventura and Keohokalole and Members of the Committees:

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.¹ 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

¹ 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).

MGO from the FDA, the products are considered "adulterated" under 21 U.S.C. §387b(6)(A).

As of March 13, 2026, the FDA has only authorized forty-one 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.² Over the last year, the Department has made an active effort to educate tobacco retailers and distributors about the list of authorized FDA products.³ 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.

² E-Cigarettes, "Vapes" and Other Electronic Nicotine Delivery Systems (ENDS) Authorized by the FDA (Mar. 13, 2026), <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 Mar. 16, 2026).

³ 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/>.



HIPHI Board

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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: March 17, 2026

To: Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair
Members of the Senate Committee on Health and Human Services

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce & Consumer Protection

Re: Support for HB 1573 HD3, Relating to Health

Hrg: Friday, March 20, 2026, at 9:30 AM, Room 229

The Coalition for a Tobacco-Free Hawai'i, a program of Hawai'i Public Health Institute¹ is in **Support of HB 1573 HD3**, 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,² with 1,400 of those deaths happening each year in Hawai'i.³ 95% of adult cigarette smokers started before they turned 21 years of age,⁴ 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.⁵ 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 41 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.⁶ That list of authorized products is less than 45 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 HD3.

We respectfully ask you to pass this measure.

Mahalo,

A handwritten signature in black ink that reads 'Kevin Ramirez'.

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

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>



March 17, 2026

To: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

COMMITTEE ON HEALTH AND HUMAN SERVICES
Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

Re: SUPPORT of HB1573 HD3 RELATING TO HEALTH

Hrg: March 20, 2026 at 9:30AM

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy.

Tobacco-related disease continues to be the leading cause of preventable death in the United States, resulting in 480,000 deaths annually, with 1,400 of those deaths happening each year in Hawai'i. 95% of adult cigarette smokers started before they turned 21 years of age,⁴ 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. 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

The Hawaii Public Health Association urges you to support HB1573 HD3.

Thank you for the opportunity to provide testimony on this important public health issue.

Respectfully submitted,

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

Holly Kessler
Executive Director

**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
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Jessica Pinson
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Doug Shannon
909 496-1188

Valerie Woods
808 822-2420

Ron Wiley
808 245-9527

Tom Worthen
435 994-0023



March 17, 2026

Committee on Commerce and Consumer Protection
Senator Jarrett Keohokalole, Chair; Senator Carol Fukunaga, Vice Chair

Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair; Senator Angus L.K. McKelvey, Vice Chair

Strong Support for HB 1573 HD3, 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 HHS/CPN 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.

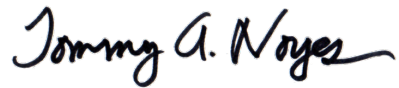
This directory bill will ban all tobacco products that aren't on the authorized list of products from the FDA (currently naming 41 products). The bill's purpose is to remove thousands of different e-cigarette products currently available for purchase.

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



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

February 23, 2026

RE: **Please hear and Pass HB1573,HD3 Relating to Health**

Dear Chairs Senators Keohokalole and San Buenaventura and Vice Chairs Senators Fukunaga and McKelvey and members of the Senate Committees on Commerce & Consumer Protection and Health & Human Services:

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, HD3** 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, HD3 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



Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814
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SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A Sanbuenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

Date: March 20, 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 1573HD3 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. Effective 7/1/3000. (HD3)

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.

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

REFERENCES AND QUICK LINKS

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

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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

To: Senate Committees on Commerce and Consumer Protection and on Health and Human Services
Re: **HB1573 HD3 – Relating to Health**
Hawai'i State Capitol & Via Videoconference
March 20, 2026, 9:30 AM

Aloha Chairs Keohokalole and San Buenaventura, Vice Chairs Fukunaga and McKelvey, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB1573 HD3**. This bill would require vape and e-liquid manufacturers to certify annually to the Department of Attorney General that their products have received a Marketing Granted Order from the federal FDA approval and that they comply with federal regulations and state laws. It would require the Department to publish a public directory of certified products and also establish penalties for manufacturers that fail to comply and other parties that acquire, possess, transport, keep, sell, or offer for sale products that are not in the directory.

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.¹ 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.²

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 40³ — 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

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

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

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

Friday, March 20, 2026 at 9:30 AM
Via Video Conference; Conference Room 229

Senate Committee on Health and Human Services

To: Senator Joy San Buenaventura, Chair
Senator Angus McKelvey, Vice Chair

Senate Committee on Commerce and Consumer Protection

To: Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

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

**Re: Testimony in Support of HB 1573, HD3
Relating to Health**

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, HD3 which requires that electronic smoking devices and e-liquid manufacturers annually certify to the Department of Attorney General (Department) 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 provide 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.

Hawaii Chapter

OF THE AMERICAN ACADEMY OF PEDIATRICS

Aloha Chairs Keohokalole and San Buenaventura, Vice-Chairs Fukunaga and McKelvey, and Committee Members:

The Hawai'i Chapter of the American Academy of Pediatrics (HAAP) would like to provide testimony in **strong support of HB 1573 HD3**, which would limit the sale of vape liquids and devices to those approved by the FDA. Following the example of California, which has implemented similar regulations to ensure that only approved products are sold there, we have the opportunity to limit e-cigarette products that are sold here in Hawai'i, thus protecting our vulnerable tweens and teens from most products that currently target youth for initiation into use and subsequent addiction.

Passing this bill would ban most e-cigarette products that specifically target youth, which would help to protect our keiki from the predatory marketing practices of Big Tobacco. As pediatricians, we have witnessed increasing numbers of youth who become addicted to nicotine because of bright packaging, youth-targeted messaging, and flavors that are especially appealing to children, such as melon or pineapple. The colorful packaging, fruity flavors, and misconception that vaping is less harmful than cigarettes only serve to obscure the truth, which is that tobacco use remains the leading cause of preventable deaths and that tobacco use reduces the average smoker's life expectancy by about a decade and that tobacco companies are expert in exploiting loopholes to target adolescents, whose brains are not fully developed and who are therefore especially vulnerable to youth-targeted messaging. The youth vaping epidemic is only worsening over time, with more than 13% of high schoolers and 10% of middle schoolers in Hawai'i reporting using e-cigarettes (2023 data). As you may know, vape liquid contains high levels of nicotine, making it more addictive than cigarettes; this is in addition to dozens of other dangerous chemicals that can seriously harm a young person's lungs, increasing the risk of both chronic health problems and acute lung injury.

More than 200 pediatrician members of the Hawai'i Chapter of the American Academy of Pediatrics support measures that can help to fight the youth vaping epidemic. We have seen first-hand the harmful impacts of nicotine addiction in our adolescent patients, and we strongly urge your support of HB1573 HD3.

Maya Maxym, MD, PhD, FAAP

On behalf of the Hawai'i Chapter of the American Academy of Pediatrics

HB-1573-HD-3

Submitted on: 3/16/2026 6:04:22 PM

Testimony for HHS on 3/20/2026 9:30:00 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 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

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§28- Electronic smoking device and e-liquid
5 manufacturers; certification; directory; penalties. (a) No
6 later than October 1, 2026, and annually thereafter, every
7 manufacturer of an electronic smoking device or e-liquid sold in
8 the State, whether directly or through a dealer, a distributor,
9 an importer, a retailer, a wholesaler, or similar intermediary
10 or intermediaries, shall certify under penalty of perjury on a
11 form and in the manner prescribed by the department, that:

12 (1) The manufacturer has received a marketing granted
13 order for the electronic smoking device or e-liquid
14 from the United States Food and Drug Administration
15 pursuant to title 21 United States Code section 387j;



1 (2) The manufacturer is in compliance with state laws,
2 including this chapter, chapter 245, and chapter 486P;
3 and

4 (3) The manufacturer is in compliance with federal laws,
5 including title 15 United States Code section 376,
6 title 15 United States Code section 376a, title 18
7 United States Code section 1716, and title 21 United
8 States Code section 331.

9 (b) The certification form shall separately list each
10 brand name; product name; category, including disposable
11 electronic smoking device, power unit, device, and e-liquid; and
12 flavor for each electronic smoking device and e-liquid that is
13 sold in the State.

14 (c) Each annual certification form shall be accompanied
15 by:

16 (1) A copy of the marketing granted order issued by the
17 United States Food and Drug Administration pursuant to
18 title 21 United States Code section 387j; and

19 (2) A payment of \$1,000 for each electronic smoking device
20 and e-liquid each time a manufacturer submits a
21 certification form for that product.



1 (d) A manufacturer required to submit a certification form
2 pursuant to this section shall notify the department within
3 thirty days of any material change to the certification form,
4 including the denial of a marketing authorization or other order
5 by the United States Food and Drug Administration pursuant to
6 title 21 United States Code section 387j, or any other order or
7 action by the United States Food and Drug Administration or any
8 court that affects the ability of the electronic smoking device
9 or e-liquid to be introduced or delivered into interstate
10 commerce for commercial distribution in the United States.

11 (e) Beginning January 1, 2027, the department shall
12 maintain and make publicly available on the department's
13 official website a directory that lists all manufacturers of
14 electronic smoking devices and e-liquids and all electronic
15 smoking devices and e-liquids, including brand names, product
16 names, categories, and flavors, for which certification forms
17 have been submitted and approved by the department. The
18 department shall update the directory to ensure accuracy, and
19 shall establish a process to provide dealers, distributors,
20 importers, retailers, wholesalers, and other relevant parties



1 notice of the initial publication of the directory and changes
2 made to the directory.

3 (f) No manufacturer of electronic smoking devices or e-
4 liquids shall be included or retained in the directory if the
5 department determines that any of the following apply:

6 (1) The manufacturer fails to provide a complete and
7 accurate certification as required by subsection (a);

8 (2) The manufacturer submits a certification that does not
9 comply with the requirements of subsections (b) and
10 (c) (1);

11 (3) The manufacturer fails to include with its
12 certification the payment required by subsection
13 (c) (2);

14 (4) The manufacturer sells products in the State required
15 to be certified under this section during a period
16 when either the manufacturer or the product has not
17 been certified and listed on the directory; or

18 (5) The information provided by the manufacturer in its
19 certification contains false information or contains
20 material misrepresentations or omissions.



1 (g) Beginning January 1, 2027, or on the date that the
2 department makes the directory described in subsection (e)
3 available for public inspection on the department's official
4 website, whichever is later, electronic smoking devices and e-
5 liquids not included in the directory shall not be acquired,
6 possessed, transported, kept, sold, or offered for sale in the
7 State or to a consumer in the State, either directly or through
8 a dealer, a distributor, an importer, a retailer, a wholesaler,
9 or similar intermediary or intermediaries. After publication of
10 the directory, electronic smoking devices and e-liquids not
11 listed in the directory and intended to be acquired, possessed,
12 transported, kept, sold, or offered for sale in the State or to
13 a consumer in the State shall be subject to seizure, forfeiture,
14 and destruction or disposal, and shall not be acquired,
15 possessed, transported, kept, sold, or offered for sale in the
16 State or to a consumer in the State; provided that the cost of
17 the seizure, forfeiture, and destruction or disposal shall be
18 borne by the person from whom the products are confiscated.

19 (h) The following penalties shall apply to violations of
20 this section:



- 1 (1) A dealer, a distributor, an importer, a retailer, a
2 wholesaler, or similar intermediary or intermediaries
3 who acquires, possesses, transports, keeps, sells, or
4 offers for sale an electronic smoking device or e-
5 liquid in the State or to a consumer in the State that
6 is not included in the directory described in
7 subsection (e) shall be subject to a civil penalty of
8 \$500 for each individual electronic smoking device or
9 e-liquid acquired, possessed, transported, kept, sold,
10 or offered for sale in violation of this section;
11 provided that:
- 12 (A) For a second violation under this paragraph
13 within a twelve-month period, the civil penalty
14 shall be no less than \$750 and no more than
15 \$1,000 per product;
- 16 (B) For a third violation under this paragraph within
17 a twelve-month period, the civil penalty shall be
18 no less than \$1,000 and no more than \$1,500 per
19 product; and
- 20 (C) For a fourth and any subsequent violation under
21 this paragraph within a twelve-month period, the



1 civil penalty shall be no less than \$1,500 and no
2 more than \$2,000 per product;

3 (2) A manufacturer whose electronic smoking devices or e-
4 liquids are not listed in the directory and who causes
5 the products that are not listed to be acquired,
6 possessed, transported, kept, sold, or offered for
7 sale in the State or to a consumer in the State,
8 whether directly or through a dealer, a distributor,
9 an importer, a retailer, a wholesaler, or similar
10 intermediary or intermediaries, shall be subject to a
11 civil penalty of \$10,000 for each individual
12 electronic smoking device or e-liquid acquired,
13 possessed, transported, kept, sold, or offered for
14 sale in violation of this section. In addition, any
15 manufacturer that falsely represents any information
16 required by a certification form shall be guilty of a
17 misdemeanor for each false representation;

18 (3) In an action to enforce this section, the State shall
19 be entitled to recover costs, including the costs of
20 investigation, seizure, forfeiture, destruction,



1 disposal, expert witness fees, and reasonable
2 attorney's fees; and
3 (4) Any violation of this section shall constitute an
4 unfair method of competition and an unfair or
5 deceptive act or practice in the conduct of any trade
6 or commerce under section 480-2.

7 (i) Any nonresident manufacturer or foreign manufacturer
8 of electronic smoking devices or e-liquids that has not
9 registered to do business in the State as a foreign corporation
10 or business entity shall, as a condition precedent to having the
11 nonresident manufacturer's or foreign manufacturer's electronic
12 smoking devices or e-liquids listed or retained in the directory
13 described by subsection (e), appoint and continually engage
14 without interruption the services of an agent in the United
15 States to act as agent for the service of process upon whom all
16 process, and any action or proceeding against it concerning or
17 arising out of the enforcement of this section, may be served in
18 any manner authorized by law. Service under this section shall
19 constitute legal and valid service of process on the
20 manufacturer. The nonresident manufacturer or foreign
21 manufacturer shall provide the name, address, phone number, and



1 proof of the appointment and availability of the agent to, and
2 to the satisfaction of, the department.

3 (j) The department may examine all records, including tax
4 returns and reports under chapter 245, required to be kept or
5 filed under this chapter and chapter 245, and books, papers, and
6 records of any dealer, distributor, importer, retailer,
7 wholesaler, or similar intermediary or intermediaries of
8 electronic smoking devices and e-liquids in the State for the
9 purpose of determining compliance with this section. Every
10 person in possession of any books, papers, and records, and the
11 person's agents and employees, shall be directed and required to
12 give the department the means, facilities, and opportunities for
13 the examinations.

14 (k) The department may inspect the operations, premises,
15 and storage areas of any entity engaged in the acquisition,
16 possession, transportation, keeping, storage, or sale of
17 electronic smoking devices or e-liquids, or the contents of a
18 specific vending machine, during regular business hours. This
19 inspection shall include inspection of all statements, books,
20 papers, and records in whatever format, including electronic
21 format, contents of cartons, and shipping or storage containers,



1 pertaining to the acquisition, possession, transportation,
2 keeping, storage, or sale of electronic smoking devices or e-
3 liquids, to verify compliance with this section. Every entity
4 in possession of any books, papers, and records, and the
5 entity's agents and employees, shall be directed and required to
6 give the department the means, facilities, and opportunities for
7 the examinations.

8 (1) If the department has reasonable cause to believe and
9 does believe that electronic smoking devices or e-liquids are
10 being acquired, possessed, transported, kept, sold, or offered
11 for sale in violation of this section, the department may
12 investigate or search the vehicle, premises, or vending machine
13 in which the electronic smoking devices or e-liquids are
14 believed to be located. If electronic smoking devices or e-
15 liquids are found in a vehicle, premises, or vending machine in
16 violation of this section, the electronic smoking devices or e-
17 liquids, vending machine, vehicle, or other tangible personal
18 property containing those electronic smoking devices or e-
19 liquids and any books and records in possession of the entity in
20 control or possession of the electronic smoking devices or e-



1 liquids may be seized by the department and shall be subject to
2 forfeiture as provided in this section.

3 (m) The department may adopt rules pursuant to chapter 91
4 necessary for the purpose of this section. Rules adopted to
5 implement this section shall be exempt from the public notice
6 and public hearing requirements of chapter 91.

7 (n) All payments, fees, and penalties collected pursuant
8 to this section shall be deposited to the credit of the tobacco
9 enforcement special fund, established pursuant to section 28-15,
10 for administration and enforcement of this section.

11 (o) As used in this section:

12 "Dealer" has the same meaning as in section 245-1.

13 "Department" means the department of the attorney general.

14 "Distribute", "distributes", or "distribution" has the same
15 meaning as in section 245-1.

16 "Electronic smoking device" has the same meaning as in
17 section 245-1.

18 "E-liquid" has the same meaning as in section 245-1.

19 "Entity" means one or more individuals, a company, a
20 corporation, a partnership, an association, or any other type of
21 legal entity.



1 "Retailer" has the same meaning as in section 245-1.

2 "Sale" or "sold" has the same meaning as in section 245-1.

3 "Sell" has the same meaning as in section 245-1.

4 "Vehicle" means an automobile, airplane, motorcycle,
5 motorboat, or other motor-propelled vehicle.

6 "Wholesaler" has the same meaning as in section 245-1."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

AG; Electronic Smoking Devices; E-Liquids; Marketing Granted Order; Directory; Penalties

Description:

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 acquire, possess, transport, keep, sell, or offer for sale products that are not in the directory. Effective 7/1/3000. (HD3)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HB-1573-HD-3

Submitted on: 3/17/2026 8:02:42 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr Karen Parsell Miller	Individual	Support	Written Testimony Only

Comments:

I am a pediatrician at Kapi'olani Medical Center and am asking for you to kindly strongly support this bill for the children of Hawai'i. Vaping is epidemic and can be very dangerous to children that willingly vape or those that accidentally become exposed to the liquids inside a pod, etc.

Re: **HB1573**- RELATING TO HEALTH- IN SUPPORT

Aloha Chair San Buenaventura, Vice-Chair Aquino, and members of the Committee:

My name is Dr. Casandra Simonson MD and I am a pediatrician on Maui where I have been treating keiki for the last 12 years. My testimony is my own and not representative of others. I am writing to testify in support of HB1573 to help regulate the manufacturing of e-liquids and electronic smoking devices. This bill will be a step in the right direction to protect the health of keiki from harmful exposures via e-smoking devices.

Thank you for the opportunity to express my concerns on this important issue for our community.

Sincerely,

Dr. Casandra Simonson MD
Pediatrics Chair, CCM

HB-1573-HD-3

Submitted on: 3/17/2026 11:16:46 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

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

Comments:

- This directory bill will ban all tobacco products that aren't on a pre-approved list of 41 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-3

Submitted on: 3/17/2026 11:33:50 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laverne Moore	Individual	Support	Written Testimony Only

Comments:

Testimony on House Bill No. 1573 HD3

RELATING TO ELECTRONIC SMOKING DEVICES

Hearing Date: Friday, March 20, 2026 To: Chairs and Members of the HHS and CPN Committees

Aloha Chairs and Members of the Committees,

My name is Laverne Moore, and I am a retired special education educator. I am writing today in strong support of HB 1573 HD3, which would establish a directory of FDA-authorized electronic smoking devices (ESDs) permitted for sale in Hawai‘i.

As an educator who has spent years in the classroom, my primary concern has always been the safety and well-being of our students. The current explosion of illicit and unauthorized e-cigarettes is not just a public health crisis; it is a direct threat to the learning environment.

This bill is a common-sense measure that will help us keep our keiki safe and allow them to function better in the classroom by focusing on three critical areas:

- Removing Dangerous Distractions: By establishing a directory, we can effectively remove thousands of unauthorized e-cigarette products currently cluttering our communities. This reduction in illicit devices helps minimize the presence of addictive products in our schools that distract students and disrupt their education.**
- Protecting Keiki from Predatory Marketing: Most of the products that explicitly target youth with appealing flavors and designs would be made illegal under this bill. This is a vital step in shielding our keiki from "Big Tobacco" tactics and ensuring they aren't lured into a lifetime of nicotine addiction.**
- Ensuring Safety Standards: This measure ensures that only the 41 products that have met the FDA’s strict authorization standards can be sold in our state. By following a model already successfully implemented in states like California, we can provide a safer environment for our students and families.**

I humbly ask for your support in passing HB 1573 HD3 to protect the health and future of Hawai'i's children. Mahalo for the opportunity to provide this testimony.

Sincerely,

Laverne Moore

Retired Special Education Educator

Date: March 17, 2026

To: The Honorable Jarrett Keohokalole, Chair
The Honorable Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

The Honorable Joy A. San Buenaventura, Chair
The Honorable Angus L.K. McKelvey, Vice Chair
Members of the Senate Committee on Health and Human Services

Re: **Support for HB1573 HD3**, Relating to Health

Hrg: Friday March 20, 2026 at 9:30 am Conference Room 229 & Videoconference

Aloha Senate Committees on Commerce and Consumer Protection and Health and Human Services,

As a parent, community member and healthcare professional I am writing in **strong support of HB1573 HD3**, 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 HD3 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 HD3**, 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 HD3**, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD
Keaau, HI

HB-1573-HD-3

Submitted on: 3/17/2026 4:25:25 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

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

Comments:

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HB-1573-HD-3

Submitted on: 3/17/2026 8:40:25 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryan Mih	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a parent, pediatrician, and medical director of the Kapi’olani Smokefree Families Program, I strongly support this bill, which 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-3

Submitted on: 3/18/2026 9:31:32 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Judy Beaver	Individual	Support	Written Testimony Only

Comments:

- This directory bill will ban all tobacco products that aren't on a pre-approved list of 41 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.

Subject: Testimony in Support of HB 1573 HD3

Dear:

Committee on Commerce and Consumer Protection:

Senator Jarrett Keohokalole, Chair; Senator Carol Fukunaga, Vice Chair

Committee on Health and Human Services:

Senator Joy A. San Buenaventura, Chair; Senator Angus L.K. McKelvey, Vice Chair

Hello my name is Vanessa Uddipa, I am a nursing student at University of Hawai'i Maui College and I am also the mother of three beautiful keiki. I'm here to testify in SUPPORT of HB 1573 HD3.

I am a student nurse studying how to care for others as well as raising my own children here on Maui. My biggest fear is having my kids or other kids in our ohana become addicted to vaping. It's become so normalized when you hear middle school and high school aged kids discussing flavors, who has devices, where they can get more. As a mother I'm scared and as a student nurse I already know how damaging nicotine can be to our growing brains not to mention the pulmonary issues associated with vaping. These aren't problems we are just worried about in the future. It's become easily accessible, has enticing flavors, and lacks regulation on these products.

HB 1573 HD3 will help promote only safe products that are being sold in Hawaii. Requiring manufacturers to certify that their products meet federal standards as well as creating a public file of certified products held liable should they fail to do so. If we can decrease youth access to these products by removing unauthorized products off the shelves we can prevent nicotine addiction and the potential for long term health issues.

I wholeheartedly believe that prevention is health care and as future nurses we learn this. HB 1573 HD3 is prevention not only from a nursing standpoint but from a public health standpoint. As mothers we just want what's best for our keiki and HB 1573 HD3 is mālama to our people and our kuleana to the future generations of Hawaii.

Mahalo for allowing me to testify. I humbly ask that you support HB 1573 HD3.

Sincerely,

Vanessa Uddipa

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 41 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-HD-3

Submitted on: 3/18/2026 1:09:21 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs and Vice Chairs,

I strongly support this bill as a tobacco treatment specialist in the State:

- This directory bill will ban all tobacco products that aren't on a pre-approved list of 41 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

TESTIMONY IN SUPPORT OF HB 1573 HD3

TO: Chair San Buenaventura, Vice-Chair McKelvey, and HHS Members
Chair Keohokalole, Vice-Chair Fukunaga, and CPN Members

FROM: Michael Paul, Certified Tobacco Treatment Specialist

DATE: March 20, 2026 (9:30 AM)

Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** HB 1573 HD3, 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.

HHHRC'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.

HB-1573-HD-3

Submitted on: 3/18/2026 4:50:57 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

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

Comments:

This is another really bad bill that will kill business for small local vape shops.

HB-1573-HD-3

Submitted on: 3/19/2026 8:35:53 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Emma Waters	Individual	Support	Written Testimony Only

Comments:

Writing in strong support of this important bill. Mahalo.

HB-1573-HD-3

Submitted on: 3/19/2026 8:49:27 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
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 HD3 that will allow only FDA authorized electronic smoking device products to be sold in 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.

HB-1573-HD-3

Submitted on: 3/19/2026 9:27:33 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Hagan	Individual	Support	Written Testimony Only

Comments:

Aloha, Honorable Chairs, Vice-Chairs, and Committee Members-

I am writing in **strong support of HB 1573 HD3**, Relating to Health.

Yesterday, almost 100 youth from around the state took a day from their Spring Break to travel to the Capitol to take a stand against tobacco products in our state. As a chaperone, I heard from students who started vaping in the sixth grade, who had family members addicted to tobacco products, and who had limited bathroom access at school due to vape use in the stalls. As a nurse, a teacher, and a parent, I am concerned about the high rates of vaping in our state's youth, not to mention the environmental damage from disposable e-cigarettes. This bill would limit the sale of electronic smoking device (ESD) products to ones that are authorized by the Food and Drug Administration (FDA). Currently, this is 41 out of thousands of products the are flooding the markets. Our Attorney General should be able to ensure that the products being sold in Hawai'i stores have at least gone through basic federal review. Most of these products are made in China, where there is a ban on the sale of flavored e-cigarettes; instead, they are exported to be sold to countries including the US. Our health is too much to risk, so I urge you to **support HB1573**.

Mahalo,

Kathleen Hagan, MS, APRN-BC, CNE

Pā'ia, Maui

LATE

HB-1573-HD-3

Submitted on: 3/19/2026 11:51:49 AM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Keohokalole and San Buenaventura, Vice Chairs Fukunaga and McKelvey, and Members of the Committees,

My name is Carolyn Eaton. I am a resident of Honolulu and I strongly support this public health measure. FDA certification (Marketing Granted Order) of electronic smoking devices and e-liquids must occur annually, to be received and recorded by the state Dept. of Attorney General, the manufacturers of such devices and products should be legally liable for skirting federal regulations and state laws. In addition independent parties who attempt to skirt state control by introducing uncertified devices or products in The State must also be subject to penalties, as uncertified manufacturers are themselves.

Mahalo for your stewardship of public health in our state.

LATE

HB-1573-HD-3

Submitted on: 3/19/2026 12:05:01 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	Written Testimony Only

Comments:

We stand on our previous testimony in opposition to this anti-small Business bill.

LATE

HB-1573-HD-3

Submitted on: 3/19/2026 4:47:02 PM

Testimony for HHS on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
April Pacheco	Individual	Oppose	Written Testimony Only

Comments:

Strongly Opposed! Protect the choices of your voters.