

BILL046(23)
Testimony

MISC. COMM. 424

COUNCIL

COUNCIL Meeting

Meeting Date: Aug 9, 2023 @ 10:00 AM

Support: 16

Oppose: 5

I wish to comment: 0

Name: Jaime Rojas	Email: jaime@rojascommunications.com	Zip: 91739
Representing: National Association of Tobacco Outlets	Position: Oppose	Submitted: Aug 4, 2023 @ 09:42 AM
Testimony: Oral testimony		
Name: Jasmin Rios	Email: jasminmrios@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Aug 4, 2023 @ 10:42 AM
Testimony: I don't not wish for flavored tobacco to be banned		
Name: Jasmin Riso	Email: jasminmrios4@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Aug 4, 2023 @ 10:47 AM
Testimony: I do not wish for the flavor tobacco to be ban and I give a more detail testimony in person at the meeting.		
Name: Jaime Rojas	Email: jaime@rojascommunications.com	Zip: 91739
Representing: National Association of Tobacco Outlets	Position: Oppose	Submitted: Aug 4, 2023 @ 12:44 PM
Name: Johnnie-Mae L. Perry	Email: waianaenb569@gmail.com	Zip: 96792
Representing: Hawaii Public Health Institute	Position: Support	Submitted: Aug 5, 2023 @ 03:53 AM
Name: THOMAS NOYES	Email: thomasnoyes@hawaiiantel.net	Zip: 96766
Representing: The Friends of Kamalani & Lydgate Park	Position: Support	Submitted: Aug 6, 2023 @ 12:00 PM
Testimony: To the City Council, City and County of Honolulu RE: Bill 46-23 Kindly accept this STRONG support for Bill 46-23. Aloha, Since 1994 The Friends of Kamalani & Lydgate Park -- a community service organization -- has worked collaboratively in the County of Kaua'i to encourage physical activity and reduce smoking & tobacco use, particularly among youth. Should the City and County of Honolulu wisely adopt this measure now, and the State legislature and governor eventually vote to repeal the Big Tobacco sponsored preemption law currently in effect, immediate results will be that once again local governments in Hawai'i will have the authority to regulate the sale of harmful tobacco products, and Honolulu will have in place the legal means to do so without delay beyond the brief 42 day implementation period. The counties in Hawai'i have shown a record of successful efforts in passing tobacco related policies such as smoke-free air laws and Tobacco 21.		

When it comes to regulating the sale of tobacco, the state preempted the counties in 2018. Prior to that, Hawaii Island was the fourth jurisdiction in the nation to pass Tobacco 21.

Honolulu's action now to address the youth vaping epidemic will set an example and give counties the incentive to similarly address the unique health needs of their communities, resulting in better overall health.

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

Flavored products are driving this epidemic, with 85% of youth e-cigarette users using flavored products. Flavors must include menthol, because it is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

At the local level, over 360 localities in the US have enacted laws comparable to Bill 46-23 in order to restrict the sale of flavored tobacco products.

Finally, counties around our state support Hawai'i moving to repeal preemption, needed to trigger this bill, as it was part of the 2023 Hawaii Association of Counties legislative package.

Mahalo for reading this testimony!

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

Name: Shani Carvalho	Email: kailani2183@gmail.com	Zip: 96776
Representing: Self	Position: Support	Submitted: Aug 7, 2023 @ 10:34 AM

Testimony:
I, Shani Carvalho, mother of four children ages 15, 13, 10, and 6 am in support of BILL046(23), as I feel this bill help to save my children and the youth of Hawaii from a lifetime of addiction by ending the use and availability of flavored tobacco and e-juice that entice our children to want to try them. The youth vaping epidemic has taken over the lives of our children, their friends, and school mates where youth as young as 6 years old have been found vaping in bathrooms. This is unacceptable on so many levels but we can start here by ending the use of flavored tobacco products, and start saving the lives of our keiki.

Name: Karenn Meyermann	Email: kmeyermann@ipastudent.org	Zip: 96789
Representing: Self	Position: Support	Submitted: Aug 7, 2023 @ 10:44 AM

Testimony:
I am an individual from Mililani, Hawaii writing this testimony in support of the flavor ban bill.

Flavored tobacco is what is responsible for getting a lot of teens addicted to tobacco products, which cause health problems and death. Flavor (especially menthol) masks the harsh taste of tobacco, which makes it appealing to teens. In 2020, 8 in 10 teens reported using a flavored product.

Menthol is the most popular tobacco flavoring among teens. Due to its effectiveness in masking tobacco's harsh flavor, it makes it easier to start using tobacco products (and harder to quit). We must protect Hawaii's youth from the health problems tobacco causes, and this includes banning menthol flavors.

A lot of adults might say that menthol and other tobacco flavors have helped them to quit using tobacco, but more youth have used it to start using tobacco than adults that have used it to quit. It is in the best interest of Hawaii's youth to ban tobacco flavoring.

Thank you for hearing me out.		
Name: Colleen Fox	Email: cfox@email.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Aug 7, 2023 @ 12:04 PM
Name: Joshua Ching	Email: joshua.ching@yale.edu	Zip: 96797
Representing: Coalition for a Tobacco-Free Hawaii's Youth Council	Position: Support	Submitted: Aug 7, 2023 @ 01:46 PM
Name: Alan Johnson	Email: ajohnson@hinamauka.org	Zip: 96744
Representing: Hawaii Substance Abuse Coalition	Position: Support	Submitted: Aug 7, 2023 @ 03:12 PM
Name: Pedro Haro	Email: pedro.haro@lung.org	Zip: 96813
Representing: American Lung Association in Hawaii	Position: Support	Submitted: Aug 7, 2023 @ 05:28 PM
<p>Testimony:</p> <p>The American Lung Association supports Bill 46, relating to flavored tobacco products. This bill will define and prohibiting the sale of flavored tobacco products within the City and County of Honolulu.</p> <p>The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawaii and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.</p> <p>This bill will define and restrict the sale of flavored tobacco products within the City and County of Honolulu. Tobacco use remains Hawai'i's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.</p> <p>It is imperative that the bill restricts all flavors of tobacco, with no exceptions, including menthol for the following reasons:</p> <ol style="list-style-type: none"> 1. Menthol keeps the most vulnerable addicted. Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage . Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations. 2. Menthol is a barrier for quitting tobacco. In a letter to the Food and Drug Administration dated January 22, 2021, the Hawai'i State Attorney General stated that menthol tobacco products "remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market." 3. Menthol is preferred by young people because it masks harsh flavors of tobacco. Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine . <p>The need for Hawai'i to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawai'i vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.</p> <p>E-Cigs are Not Cessation Devices and Do Not Reduce Harm</p>		

Despite what e-cigarette companies want you to believe, switching to vaping (e-cigarettes) is not quitting smoking. E-cigarettes are still tobacco products, and FDA has not approved any e-cigarette as a quit smoking device. In fact, the FDA must crack down on the unproven health claims made by the e-cigarette industry because it's confusing people who want to quit smoking.

The Food and Drug Administration has not found any e-cigarette to be safe and effective in helping smokers quit. The fact is, e-cigarettes are tobacco products too. Though we still have a lot to learn about the health consequences of vaping, we are very troubled by what we've seen so far. E-cigarettes still produce a number of dangerous chemicals including acetaldehyde, acrolein, and formaldehyde. As we've recently seen on the news, the inhalation of harmful chemicals can cause irreversible lung damage, lung diseases—and even death.

A recent study from the University of North Carolina found that even in small doses, inhaling the two primary ingredients found in e-cigarettes—propylene glycol and vegetable glycerin—is likely to expose users to a high level of toxins and that the more ingredients a user is inhaling, the greater the toxicity.

Both the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes. In 2016, the Surgeon General concluded that secondhand emissions contain, "nicotine; ultrafine particles; flavorings such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead."

The American Lung Association in Hawai'i urges the Honolulu City and County Council to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of Bill 46.

Pedro Haro
Executive Director
American Lung Association in Hawaii

Name: Luke Itomura	Email: litomura27@punahou.edu	Zip: 96701
Representing: Self	Position: Support	Submitted: Aug 7, 2023 @ 08:32 PM

Name: Zoe Slentz	Email: zoeslantz12@gmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Aug 7, 2023 @ 10:36 PM

Testimony:
Council Chair Waters and Council Members, my name is Zoe Slentz and I support bill 046(23). Flavored tobacco should be banned because of its negative health impacts, specifically for teens like myself. The tobacco industry targets this demographic by marketing appealing flavors to hook teens on their products. What most of these teens don't understand is that vape products expose them to a plethora of dangerous chemicals that have been linked to cancer and various forms of lung disease. Unfortunately, a disproportionate number of youth who vape are Native Hawaiian and people of color with 78% of all Native Hawaiians and Pacific Islanders being smokers. Thus, I urge you to support this bill to mitigate Hawaii's tobacco crisis and to ensure the health of our keiki/future generations.

Name: Osa Tui Jr.	Email: mhiga@hsta.org	Zip: 96819
Representing: Hawaii State Teachers Association	Position: Support	Submitted: Aug 8, 2023 @ 06:48 AM

Name: Peggy Mierzwa	Email: peggy@hiphi.org	Zip: 96813
Representing: Hawaii Public Health Insititute	Position: Support	Submitted: Aug 8, 2023 @ 08:00 AM

Name: Valerie Smalley	Email: cherub42004@msn.com	Zip: 96821
Representing: Self	Position: Support	Submitted: Aug 8, 2023 @ 08:41 AM
<p>Testimony:</p> <p>Aloha Council Members,</p> <p>As someone who battled tobacco addiction for 25 years and who now has helped in the treatment of this addiction for twenty years, I know we do NOT need to make this easier for youth to get started. Flavored products are more enticing in getting youth and adults started on an addiction that may take them years to stop. In the meantime, it has great impact on youths overall physical and mental health. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.</p> <p>I am also supporting adults who truly thought that giving up smoking and pivoting to flavored ecig was a positive change. They are now addicted and dealing with shortness of breath and health issues due to what they say, " was the flavors, that got them hooked."</p> <p>Thank You Valerie Smalley</p>		
Name: Tina Yamaki	Email: tyamaki@rmhawaii.org	Zip: 96816
Representing: Retail Merchants of Hawaii	Position: Oppose	Submitted: Aug 8, 2023 @ 09:54 AM
Name: Lola Irvin	Email: lola.irvin@doh.hawaii.gov	Zip: 96813
Representing: Department of Health	Position: Support	Submitted: Aug 8, 2023 @ 04:09 PM
Name: Chevelle Davis	Email: cdavis@papaolalokahi.org	Zip: 96813
Representing: Papa Ola LĀkahi	Position: Support	Submitted: Aug 8, 2023 @ 11:57 PM
Name: Kealoha Madriaga	Email: kealoha@hiphi.org	Zip: 96743
Representing: Hawaii Public Health Institute	Position: Support	Submitted: Aug 9, 2023 @ 09:24 AM
<p>Testimony:</p> <p>I, Kealoha Madriaga support this bill in regulating flavored tobacco products. Being a health educator in my community I am able to witness how these flavored tobacco products affect our youth of today. Youth become so addicted to this products daily. Big tobacco companies target our youth as their number one market by creating local favorite flavors, enticing advertisements and products. In hopes they will continue to buy these products and become their customers for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.</p>		



August 4, 2023

Mr. Tommy Waters, Chair & Presiding Officer
Members of the Honolulu City Council
530 South King Street
Honolulu, HI 96813

RE: Proposed Flavored Tobacco Products Sales Ban-Bill 46, August 9, 2023 Agenda

Dear Chair Waters and Councilmembers:

As the Executive Director and Legal Counsel of the National Association of Tobacco Outlets (NATO), a national retail trade association that represents more than 66,000 retail stores throughout the country, including member stores in Hawaii, I am writing to advise you that First Reading Bill 46 on your August 9, 2023, agenda, which purports to prohibit the sale of flavored tobacco products in the City and Council of Honolulu is preempted by state law, and must be removed from your agenda.

Hawaii Revise Statutes 328J-11.5 provides:

Statewide concern. (a) Sales of cigarettes, tobacco products, and electronic smoking devices are a statewide concern. ***It is the intent of the legislature to regulate the sale of cigarettes, tobacco products, and electronic smoking devices in a uniform and exclusive manner [emphasis added].***

(b) All local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are preempted, and existing local laws and regulations conflicting with this chapter are null and void [emphasis added].

(c) Nothing in this chapter shall be construed to limit a county's authority under section 328J-15. [L 2018, c 206, §6]

Subsection (b) is clear on its face. Local ordinances regulating the sale of cigarettes, tobacco products, and electronic smoking devices are preempted by state law. In 2018, the Hawaii legislature clearly expressed its intent to “regulate these products uniformly and exclusively.” Banning the sale of flavored versions of these products is an action outside the Honolulu City Council’s authority, and an attempt to frustrate the Hawaii legislature’s intent as clearly expressed in subsection (a).

We assume the Honolulu City Council is aware that the Hawaii legislature had several bills before it in 2023 that would have given local jurisdictions authority to regulate in this area. However, none of these bills passed, leaving the Hawaii state law's existing expression of its intent to preempt as stated in subsection (a).

For these reasons, we respectfully ask that Bill 46 on the First Reading calendar of August 9, 2023, be removed from the agenda.

Thank you for your consideration of our concerns.

Sincerely,

Thomas A. Briant

NATO Executive Director and Legal Counsel

Talking Points: Ending Sale of Flavored Tobacco products:

Ending the sale of flavored tobacco- General Information

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

Flavored products are driving this epidemic, 85% of youth e-cigarette users use flavored products.

Big Tobacco knows that in order to have customers for life they need to addict kids to nicotine when they are young.

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

At the local level, over 360 localities restrict the sale of flavored tobacco products.

As a resident of Wai'anae, vaping shops have "pop-up" everywhere! There's needs to be a moratorium of 5 years of preventing these types of businesses which causes negative health issue on people. Eventually, these vaporers will be addicted and unemployed due to their addictions! Great for city coffers, right?

Thank you,
Johnnie-Mae L. Perry
Resident of Wai'anae
Hawaii Public Health Institute supporter
August 5, 2023

To: Honolulu City Council
Re: Support for **46-23 Ban Flavored E-Cigarettes**
Hrg: Wed, August 9, 2023

I am submitting testimony in **support of 46-23**, which bans flavored e-cigarettes in Oahu. Flavors in tobacco products entice users, particularly youth, while the nicotine keeps them hooked for life. Similar to strategies used by Big Tobacco in the past, flavored vapes are designed to attract children through their flavors, cute names, and candy-like packaging. Working with youth in the schools, I've seen youth as young as 11 go into treatment for nicotine addiction after starting vaping. Please protect our keiki and our community by banning these dangerous products.

Vaping is a serious epidemic in Hawaii, particularly among our youth.

Vaping increased 900% among high school students from 2011 to 2015.

40% of 12th graders report vaping in the previous 30 days.

Among youth that vape, nearly 85% used flavored e-cigarettes, with fruit flavors being the most popular, followed by candy, desserts, or other sweets.

Teens who vape are more likely to become cigarette smokers.

The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns and the use of flavors to make the products more appealing to young people, as referred in the Surgeon General's report.

In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Electronic Nicotine Devices, such as e-cigarettes and vapes, are harmful both to adults and youth.

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

Advocates hear the call from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping patients safe from tobacco products.

Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.

The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.

E-cigarette use is misinterpreted as being a "healthy" choice, even though e-cigarette vapor has been demonstrated to be independently associated with pulmonary effects such as asthma.

Using flavors to get youth hooked on nicotine

Flavors, including menthol, entice the user to start vaping, making it easier to start and harder to quit.

Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth. Moreover, Menthol is just as, if not more harmful than, any other flavored tobacco. To protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol in the ban.

Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping,

which is a growing major public health concern. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Please consider the safety of our community and our children and **support 46-23**.
Mahalo for your time and consideration.

Dr. Colleen Fox
Honolulu (Makiki), Hawaii



To Chair Tommy Waters, Vice Chair Esther Kiaʻaina, and members of the Honolulu City Council.

On behalf of the Coalition for a Tobacco-Free Hawai'i's (CTFH) Youth Council, we are in **strong support of Bill 46**. The CTFH Youth Council is a nationally-recognized group of youth leaders fighting to envision and create a Hawai'i, centered on uplifting community public health, beyond the reaches of Big Tobacco. Our council comprises over 80 middle, high school, and college students, with representation from across all of Hawai'i's counties.

Hawai'i is facing a youth vaping epidemic. Across the U.S., Hawai'i high school and middle school students have disproportionately high use rates of e-cigarette products. Containing toxic chemicals like nicotine and formaldehyde, these products have long-term health impacts, significantly harming the developing brain, altering nerve cell functioning, and exposing users to acute nicotine poisoning. Without necessary policy action, over 21,000 Hawai'i youth alive today will die from tobacco-related illness if smoking rates don't change.

Beyond numbers, countless youth from across Hawai'i have chronicled their experiences with tobacco—whether turning to these products for comfort when they have no support system to confide in, witnessing the toll it takes on their family and friends through generations of addiction, or struggling to overcome the painful withdrawals and cravings of addiction themselves.

Central to the youth vaping epidemic is an industry with a troubling history in our island home. From exploiting Native Hawaiian labor on tobacco plantations to bastardizing the image of sexualized “hula girls” on cigarette advertisements, Big Tobacco has capitalized on Hawai'i's unique culture and legacy of colonialism to turn a profit off the backs of the most vulnerable. Of those groups, youth have often been the most targeted, in Hawai'i and beyond. For many, commercial tobacco-use has manifested into a coping mechanism, creating a temporary sense of relaxation to deal with struggles like anxiety, body dysmorphia, and even intergenerational trauma, increasing dependence on the device while preserving the underlying symptoms—making e-cigarettes a deadly tool for profit in a worsening crisis of youth

mental health. Today, consistent with the countless stories of Hawai'i youth fighting nicotine addiction or watching their friends and family do so, Big Tobacco is exploiting our people, our culture, and our vulnerabilities through the use of flavored tobacco products.

Aloha Sun Juice, Lilikoi Lychee, Pass-O-Guava Nectar, Luau Punch, POG, and Pineapple Orange are just a few of the more than 15,500 e-cigarette flavors—often designed specifically to entice local palates—lining store shelves. It comes as no surprise, then, that 81% of youth who ever used tobacco started with a flavored product and 97% of youth who vape currently use a flavored product. Menthol in particular, one of the most popular flavors among Hawai'i youth, uses added chemicals to create a cooling sensation that, coupled with its minty flavor, makes it easier to start vaping and harder to quit. The industry, which considers Hawai'i a “Menthol State,” has invested heavily in promoting these products across the islands, driving public health disparities in Native Hawaiian and Pacific Islander communities, with 78% of smokers from these communities using menthol cigarettes. Flavors, then, are the pinnacle of Big Tobacco's modern design for Hawai'i—creating devices that specifically market to and addict the communities whose systemic vulnerabilities are a direct consequence of the history of exploitation they participate in.

The industry, however, won't go down without a fight. Spending \$26 million annually on marketing and hundreds of thousands on lobbying in Hawai'i alone, the tobacco industry's relentless presence in daily life on the islands isn't an accident—it's intentional. It's the primary reason that the Honolulu City Council is presently prevented from regulating the sale of tobacco in this county, a consequence of a 2018 gut-and-replace law passed behind closed doors. Big Tobacco has not only attempted to assert control over our people, our culture, and our vulnerabilities, but has actively come into our home and dictated the duties and functions of our own government.

Banning the sale of all flavored tobacco products at the county level would work to end this deadly cycle of addiction, manipulation, and exploitation. Despite the fact that the State preempts the County's authority in regulating tobacco sales, passage of Bill 46 would be an unwavering expression of defiance against the financial influence of the tobacco industry and a signal to other elected officials that the people of Honolulu are ready to fight the youth vaping epidemic now.

We strongly urge that Bill 46 be passed and referred to the appropriate committee. It's time to put people over the profits of Big Tobacco. It's time to protect our keiki.



Bill046(23) Ban Flavored E-Cigarettes

Council Meeting August 9th, 2023 at 10:00

Introduced by TOMMY WATERS, MATT WEYER

HSAC Supports Bill046(23):

*GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE
MEMBERS:*

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

The Hawaii Substance Abuse Coalition (HSAC) notes that the intent is to protect our youth from the health dangers of a lifelong addiction to youth caused by the epidemic from the use of flavored tobacco products.

Reasons to Restrict Flavored Tobacco because of Excess Youth Use

What about Flavored Tobacco?

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

The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report. Vaping increased 900% among high school students from 2011 to 2015.

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

Dangers of E-cigarettes are Documented:

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

Advocates hear the call from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping patients safe from tobacco products.

Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.

The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.

A Comment about Menthol

Moreover, Menthol is just as, if not more harmful than, any other flavored tobacco.

Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.

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

If we want to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.

Summary

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

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

Luke Itomura
Aiea, Hawaii

August 7, 2023

Council Chair Waters and Council Members
City and County of Honolulu

TESTIMONY IN SUPPORT OF BILL 46

Dear Council Chair Waters and Council Members,

My name is Luke Itomura and I am a current freshman at Punahou School. I am testifying to express my strong support for Bill 46. As a concerned citizen and youth public health advocate, I believe that passing this legislation is an essential step in protecting the health and future of the youth.

This summer was the first time I was offered a vape by another youth. This youth smoker used many tactics to peer pressure me into trying it. Their main tactic was telling me it was a delicious watermelon flavor. At that moment, I realized how easy it is to fall for the appeal of flavored vapes - 85% of young smokers in the world use flavored tobacco products.¹ I talked to my friends about it, and they mentioned that they had also been offered flavored vapes. It's concerning that kids as young as 12 are being exposed to vapes that taste like their favorite sweets and fruits, as it piques their interest. What starts as innocent curiosity can turn into a lifelong addiction with devastating consequences. Banning flavored tobacco products will ensure that young people are not exposed to the harmful effects of tobacco at such an early age.

Bill 46 will act as a barrier preventing youth from being influenced by companies like Big Tobacco who aim to lure youth into a downward spiral using flavored tobacco products. Research from the National Survey on Drug Use and Health indicates that following a ban on flavored tobacco, smoking among adolescents aged 12 to 17 decreased by 43%.² Moreover, a study conducted by Stanford University revealed that prohibiting flavored tobacco products has many advantages, including savings in healthcare expenses, a reduction in our carbon footprint, increased labor productivity, and reduced consumption of scarce physical resources.³ 76% of Hawaii registered voters support this cause, justifying that this is a highly wanted policy.⁴ Implementing this bill will not only give voters what they want, but it would also benefit issues regarding environmental and fiscal factors.

I passionately request Council Chair Waters and the Council Members to be agents of positive change and to stand on the side of health, compassion, and a brighter future for our youth. I humbly request your strong support for Bill 46. It will be a major step in making this a reality.

Thank you for your time and consideration.

Sincerely,

Luke Itomura

References

1. "More than 2.5 Million Youth Reported E-Cigarette Use in 2022." CDC, 6 Oct. 2022, www.cdc.gov/media/releases/2022/p1007-e-cigarette-use.html#:~:text=Flavored%20E%2Dcigarettes%3A%20Among%20youth,middle%20school%20students%20reporting%20use. Accessed 7 Aug. 2023.
2. "Cigarette Use Before and After the 2009 Flavored Cigarette Ban." National Library of Medicine. pubmed.ncbi.nlm.nih.gov/32674967/. Accessed 7 Aug. 2023.
3. "Why ban the sale of cigarettes? The case for abolition." BMJ Journals, tobaccocontrol.bmj.com/content/22/suppl_1/i27. Accessed 7 Aug. 2023.
4. Ward Research. www.wardresearch.com/about-ward-research. Accessed 7 Aug. 2023.



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

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL

RE: BILL 46 (2023) – RELATING TO FLAVORED VAPING PRODUCTS

WEDNESDAY, AUGUST 9, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Waters and Members of the Committee:

The Hawaii State Teachers Association **supports bill 46**, relating to flavored vaping products. The bill prohibits the sale of flavored tobacco products within the City and County of Honolulu. While currently a preemption of the counties regulating the sale of tobacco has not yet been overturned, this ordinance will initiate a trigger ban on flavored tobacco products should Act 206 be overturned or suspended.

Teachers and other students are seeing an increase in the number of students who are vaping on our campuses, not just in our high schools, but our middle schools, and yes, even our elementary schools. They are confiscating devices, students are being suspended, and unfortunately, these same students are losing learning time, because of it. Teachers are also reporting that students who are vaping are not focused, irritable, and often leave the classroom to go to the bathroom where they are caught vaping, and these students are acting out in some cases. It is concerning. Our students are the victims and being preyed on by the vaping industry. There are vaping products that look like school supplies (USB drive and a marker), these products are definitely marketed for our youth, along with the candy flavors.

There are extremely high levels of nicotine in these products that are popular with kids, for example, **an Elf Bar has the equivalent amount of nicotine as 590 cigarettes, and you can imagine how these cause serious negative impacts to our students'** education due to the negative impact on memory, focus, cognition, impulse control, mood swings and increased anxiety levels.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young

adults to become regular smokers.” Nevertheless, here we are in 2023 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. **Unfortunately, this FDA flavor ban did not include vaping products. We can change that with this bill as a state and protect our youth.**

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

Unfortunately, e-cigarettes have evaded the laws to which other tobacco products are subject. The lack of a comprehensive approach has led to the rise of e-cigarette use, undoing decades of progress. **In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai‘i reported that they use e-cigarettes.**

The state can reverse the youth vaping epidemic by implementing comprehensive policies and programs, including ending the sale of flavored tobacco products. Flavored products are driving youth use. Flavors in tobacco products entice youth, and nicotine keeps them addicted.

In 2020, 8 in 10 youth who use e-cigarettes reported using a flavored product. Of youth e-cigarette users, 85% use flavored products, and fruit, candy/desserts/other sweets, mint, and menthol are reported as the most popular flavors. Ending the sale of all flavored tobacco products will reduce their appeal and protect our children from a lifetime of addiction. Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling properties mask the harshness of tobacco. It is marketed to youth and vulnerable groups. **Menthol is one of the most popular flavors of youth in Hawai‘i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes.**

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



HAWAII STATE TEACHERS ASSOCIATION
Teaching Today for Hawaii's Tomorrow

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

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

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

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



HIPHI Board

Misty Pacheco, DrPH
Chair
University of Hawai'i at Hilo

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

Debbie Erskine
Treasurer
ARCH-MEPS Consulting LLC, Owner

Keshia Adolpho, LCSW
Na'au Healing Center

Camonia Graham - Tutt, PhD
University of Hawai'i - West O'ahu

Carissa Holley, MEd
Hale Makua Health Services

Jennifer José Lo, MD
Hawai'i Pacific Health

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

Garret Sugai
HMSA

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

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

Titiimaea Ta'ase, JD
State of Hawai'i, Deputy Public
Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: August 7, 2023

To: Tommy Waters, Chair
Esther Kia'Aina, Vice Chair
Members of the Honolulu City & County Council

Re: Support for Bill 46 Relating to Flavored Tobacco Products

Mtg: Wednesday August 9, 2023 10:00AM

Hawai'i Public Health Instituteⁱ (HIPHI) takes this opportunity to submit testimony in **strong support** of Bill 46 Relating to Flavored Tobacco Products, which would end the sale of flavored tobacco products in the City and County of Honolulu when the power to regulate the sale of tobacco products is restored to the counties.

81% of Hawai'i youth started with a flavored product,ⁱⁱ and by ending the sale of all menthol and other flavored tobacco products, the county can prioritize the health and safety of our community. A report by the US Food and Drug Administration, issued in 2013, found that menthol cigarettes led to increased smoking initiation among youth and young adults, more significant addiction, and decreased success in quitting smoking. Candy, sweet, and menthol flavored tobacco attracts youth and makes nicotine tolerable.

Unregulated menthol and flavored tobacco products severely threaten our established tobacco control policies and do not protect our children. Flavor tobacco products have such a negative impact on public health that over 360 localities have passed restrictions on the sale of flavored tobacco products, and at least 170 of those communities restrict the sale of menthol cigarettes as well as other flavored tobacco products.ⁱⁱ

Flavored products are driving youth use.

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

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

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

Hawai'i voters want restrictions.

In a December 2022 poll^{vi} of registered voters on O'ahu conducted by Ward Research Inc., 93% of respondents said that school aged children vaping or using e-cigarettes is a major problem; 79% of support a law prohibiting all flavors, including menthol, of tobacco products, and e-cigarettes; and, 84% believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens and families.

By passing this legislation, the county sends a strong, clear message to the public that the City and County of Honolulu is committed to uplifting the health and well-being of its residents and showing that community health is more important than tobacco profits for tobacco companies.

Thank you for considering our testimony for this public health policy.

Mahalo,



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

ⁱ The Hawai'i Public Health Institute (HIPHI) is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

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

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

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

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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
August 9, 2023**

Re: BILL 46 (2023) – RELATING TO FLAVORED TOBACCO PRODUCTS

Aloha, Chair Waters members of the Honolulu City Council. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii is a statewide not-for-profit trade organization committed to supporting the retail industry and businesses in Hawaii. The retail industry is one of the largest employers in the state, with 27% of the jobs in Hawaii supported by the retail industry.

We respectfully oppose BILL 46 (2023) – Relating to Flavored Tobacco Products. This measure defines and prohibit the sales of flavored tobacco products within the City and County of Honolulu.

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

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

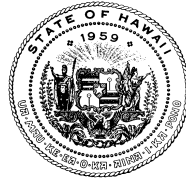
If this is to deter underage use, Hawaii currently has a law in place that states that it is unlawful for a person under the age of 21 years to purchase electronic vaping devices, e-liquids, and tobacco products. However, adults that are 21 and older are able to purchase these items and enjoy them like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

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

We wonder why are there NOT more stricter laws and consequences aimed at the minors who are vaping or those who purchase the products for the minors? Why is the Department of Education not cracking down on those who vape on campus if so many students are doing this? Why are adults who can legally purchase these items going to be denied if the aim is at minors?

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

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



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

**Testimony in SUPPORT of Bill 46-23
RELATING TO FLAVORED TOBACCO PRODUCTS**

REGULAR MEETING
HONOLULU CITY COUNCIL

Hearing Date: August 9, 2023

Room Number: Council Chamber &
Videoconference

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

Department Testimony: The Department of Health (DOH) supports Bill 46-23 as both a health equity and social justice issue to protect the next generation in Honolulu from lifelong addiction to tobacco use. Bill 46-23 prohibits the sale of flavored tobacco products and nicotine products (including menthol), prohibits the mislabeling as nicotine-free any e-liquid products containing nicotine, and establishes penalties for violations.

The absence of protective policies to act as a preventive buffer between the promotion of enticing electronic smoking devices (ESDs), also known as e-cigarettes, and youth, contributed to the ongoing rise in frequent use and unrestricted access to nicotine. In 2021, 12.6% or 31,000 high schoolers and 5.7% or 18,500 middle schoolers in Honolulu reported current use of ESDs.^{1,2} The unrestricted promotion of e-cigarettes has addicted a new generation of young people to nicotine, increased exposure to harmful substances and likelihood for smoking

¹ *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level.* (2021). Retrieved August 4, 2023, from https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr_HS_CNTY.html

² *Hawai'i IBIS - Query Result—Hawai'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level.* (2021). Retrieved August 4, 2023, from https://hhdw.org/report/query/result/yrebs/VaporCurr/VaporCurr_MS_CNTY.html

cigarettes in the future.³ U.S. retail sales data showed that sales of the highest levels of nicotine grew from 5% of total e-cigarette sales in 2017 to 81% in 2022.⁴ These data raise serious public health and safety concerns because of the long-term effects of nicotine on youth brain development.⁵ Comprehensive evidence-based prevention policies are needed that restrict the sale of flavored tobacco products.

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

Menthol flavors are too often exempted from tobacco control policies.⁹ Menthol is an organic compound that has cooling, analgesic, and irritative properties, which can change the way the brain registers the sensations of taste and pain¹⁰ and when in cigarettes can make harmful chemicals more easily absorbed in the body.¹¹ Menthol also facilitates absorption by masking the harshness of, and making it easier to inhale, cigarette smoke. The availability of menthol cigarettes likely increases experimentation and progression to regular smoking and the

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

⁴ Ali, F. R. M., Seaman, E. L., Crane, E., Schillo, B., & King, B. A. (2023). Trends in US E-cigarette Sales and Prices by Nicotine Strength, Overall and by Product and Flavor Type, 2017–2022. *Nicotine & Tobacco Research*, 25(5), 1052–1056. <https://doi.org/10.1093/ntr/ntac284>

⁵ *The Effects of Nicotine on The Adolescent Brain—Vaping Side Effects. Get the Facts Here.* - Tobacco Free CA. (n.d.). Retrieved January 28, 2021, from <https://tobaccofreeca.com/e-cigarettes/the-effects-of-nicotine-on-the-adolescent-brain/>

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

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

⁸ Cooper, M. (2022). Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR. Morbidity and Mortality Weekly Report*, 71. <https://doi.org/10.15585/mmwr.mm7140a3>

⁹ *The importance of strong local flavored tobacco policies.* (n.d.). Truth Initiative. Retrieved February 1, 2021, from <https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored>

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

¹¹ U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

availability of menthol increases the likelihood of addiction for youth smokers.^{12,13} Exempting menthol perpetuates social injustice as menthol flavoring has been used by the tobacco industry to appeal to youth, racial minorities, and marginalized populations. The tobacco industry has targeted minority groups such as the lesbian, gay, bisexual and transgender (LGBT) community, Asian Americans, Pacific Islanders, Native Hawaiians, and African Americans.^{14,15,16} Menthol use is also high among those with behavioral health conditions and those who are socioeconomically disadvantaged.^{17,18}

Higher proportions of youth e-cigarette use in Hawai‘i counties call for more urgent action on the local level. The number of youth in Honolulu (49,000) who currently use e-cigarettes is alarming.^{19,20} The DOH supports Bill 46-23 as a measure to protect the next generation from lifelong addiction to tobacco use by prohibiting the sales, distribution, and mislabeling of all flavored tobacco and nicotine products in Honolulu.

Thank you for the opportunity to testify.

Offered Amendments: None

¹² U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at: <https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

¹³ U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: <http://purl.fdlp.gov/GPO/gpo39032>

¹⁴ Washington, H. (2002). *Burning Love: Big Tobacco Takes Aim at LGBT Youths* | *AJPH* | Vol. 92 Issue 7. American Journal of Public Health. <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086>

¹⁵ Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. *Tobacco Control*, 11(3), 201–209. <https://doi.org/10.1136/tc.11.3.201>

¹⁶ Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. *Public Health Reports*, 122(5), 607–615.

¹⁷ National Survey on Drug Use and health, 2018

¹⁸ National Survey on Drug Use and health, 2018

¹⁹ Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level. (2021). Retrieved August 4, 2023, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html

²⁰ Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level. (2021). Retrieved August 4, 2023, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

Honolulu City & County Council
Wednesday, August 9, 2023, 10:00 AM

RE: Bill 46 – Relating to Flavored Tobacco Products
Position: SUPPORT

Papa Ola Lōkahi (POL) testifies in **SUPPORT** of **Bill 46**, which seeks to prohibit the sale of flavored tobacco products within the jurisdiction of the Honolulu City & County, should the Hawai‘i State Legislature repeal its preemption language around tobacco sales at a local level. Papa Ola Lōkahi supports efforts that aim to protect the health of our communities, such as limiting access to tobacco products, including electronic smoking devices and other vapor products, which are known to increase the risk of adverse health outcomes.

Data from the 2021 Youth Risk Behavior Survey found that nearly 1 in 3 of Hawai‘i’s high school youth reported ever trying a vape product, and almost 1 in 7 high school youth in Hawai‘i currently use an electronic vaping device. With the availability of flavored tobacco products, our youth are being targeted at younger ages to become the next generation of adult smokers. If we are to protect the health and safety of our youth and future generations, we must continue to examine policies and take meaningful action to ensure policies are meeting the needs of our communities.

We must also examine the existing disparities and ensure policies aim to close the health disparity gap between racial groups. The 2021 Youth Risk Behavior Survey also found racial inequity, with 21.5% of Native Hawaiian high school students and 12.3% of Native Hawaiian middle school youth reporting currently smoking or using electronic smoking devices, compared to the general student population reporting 15.4% and 7.4% respectively. Native Hawaiian high school students reported active use of vapor products more than nearly all other racial groups in Hawai‘i, and the same survey found that Native Hawaiian high school youth within the City and County of Honolulu report using tobacco products at a higher rate than all other counties in Hawai‘i. Furthermore, according to the 2019 Youth Tobacco Survey, one in three Native Hawaiian youth cites the availability of flavors as the reason they use vape products, underpinning the need to curb tobacco companies’ ability to make these products easily accessible. We must also consider that our youth’s neural development is at risk, and using tobacco products during this developmental stage puts them at increased risk of developing a nicotine addiction.

It is evident that using tobacco products increases adverse health outcomes, exacerbates these outcomes among vulnerable groups, and deepens health disparities. Creating tailored tobacco control policies, such as a prohibition on flavored tobacco products, that are poised and ready to go into effect, should the Hawai‘i State Legislature repeal their preemption limitations is an effective way to address public health needs at a local level with the urgency our communities need. We mustn’t allow private interests to create environments that negatively impact the health outcomes of those most vulnerable in our communities, our keiki.

Mahalo piha for the opportunity to provide testimony in **STRONG SUPPORT** of this critical issue and for helping to safeguard the health and safety of the keiki and communities of O‘ahu.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.