

Bill 46 Testimony



**American
Heart
Association.**

American Heart Association testimony for Bill 46, "Relating to Flavored Tobacco Products"

August 9, 2023

The American Heart Association supports the intent of Bill 46, "Relating to Flavored Tobacco Products," but offers the following amendments:

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1. The definition of flavors as currently drafted does not capture new "sensation" products that the tobacco industry has introduced since California passed its state tobacco flavors restriction law. Those products are being used in an attempt by the industry to avoid the state's flavored tobacco regulations and should be included in the C&C of Honolulu bill to avoid leaving a loophole for the tobacco industry to exploit for profit.

The definitions of a flavored tobacco product should read:

"FLAVORED TOBACCO PRODUCT" means any tobacco product that imparts: a taste or odor distinguishable by an ordinary consumer, other than the taste or odor of tobacco, either prior to or during the consumption of such tobacco product, including but not limited to tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb, or spice; or a cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product.

PRESUMPTIVE FLAVORED TOBACCO PRODUCT. Any communication by or on behalf of the manufacturer or retailer of a tobacco product that such tobacco product imparts a taste or odor other than the taste or odor of tobacco, or that imparts a cooling or numbing sensation distinguishable by an ordinary consumer, constitutes presumptive evidence that the tobacco product is a flavored tobacco product.

This includes but is not limited to public statements that a product has a minty or cooling effect, such as describing the product as "chill," "ice," "fresh," "arctic," or "frost."

2. The Administrative Penalties section should be amended to state that “any tobacco licensee or permittee found to violate this article shall be subject to the following...”.

It’s important to make clear that the fines imposed would be on the licensee/permittee/business owner rather than the shop clerk.

There are misconceptions about the safety of e-cigarettes. Since they are not combustible, e-cigarettes are often touted as a safer alternative and potential tobacco cessation tool. Increasing evidence suggests the contrary - that e-cigarette (including vaping) products cause significant harmful effects.

- Data from the 2021 National Health Interview Survey show that 4.5% of adults use e-cigarettes. State of Hawaii YRBS data indicates that over 30 percent of Hawaii high school students use e-cigarettes.
- Since e-cigarettes can be perceived as a safer alternative compared to traditional cigarettes, some women use e-cigarettes to reduce the stigma of tobacco use or health concerns during pregnancy.
- E-cigarettes and vaping products are unsafe for a variety of reasons. These products can cause a wide array of severe, adverse health effects that include nicotine poisoning, and harm to the neurologic, cardiovascular, respiratory and gastrointestinal systems. Increasing evidence suggests e-cigarettes have significant acute injurious effects on the airway epithelium, increased pulmonary inflammation, and respiratory immune suppression.
- Nicotine is a dangerous and highly addictive chemical. It can cause an increase in blood pressure, heart rate, flow of blood to the heart and a narrowing of the arteries (vessels that carry blood).

- Nicotine may also contribute to the hardening of the arterial walls, which in turn, may lead to a heart attack.
- Some e-cigarettes and newer tobacco products deliver more nicotine than traditional cigarettes.
- People who frequently use products containing nicotine may report feeling reduced irritability, anxiety and depression when using these products. But when withdrawal sets in, people experiencing nicotine addiction may once again feel increased levels of irritability, anxiety and depression that can only be relieved by taking another hit of nicotine.

The dangers posed by tobacco flavoring additives

- In addition to nicotine, many e-cigarette and vaping products may also contain flavoring additives, propylene glycol and glycerol and metals. Research shows that each of these ingredients can harm the heart and lung systems in both animal and in vitro studies.
- E-cigarette and vaping products with flavoring additives are associated with respiratory diseases, chronic cough, shortness of breath, airway obstruction, asthma and chronic bronchitis.
- Studies suggest that the rapid adoption of e-cigarettes and vaping products among youth coincides with the rapid increases in their unregulated marketing. Flavors, including candy, mint, menthol and fruit flavors, also play a major role in their appeal to youth.
- Youth are initially attracted to these products by their flavors and then many move on to regular use and nicotine addiction.
- The heating elements of e-cigarettes and vaping products contain metals that are released into the liquids and aerosols. This exposure is associated with labored mouth breathing, decreased activity and wheezing in animal studies. Especially concerning is that nickel, a known carcinogen, is found to be higher in e-cigarette and vaping products than in combustible

cigarettes.

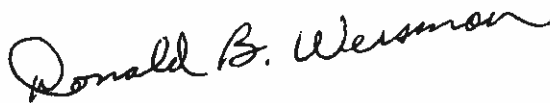
- Despite efforts to regulate e-cigarettes and other vaping products, there continue to be gaps in regulations that allow the tobacco industry to market and sell many tobacco products that are easily accessible to children and young people.
- E-cigarettes are the most commonly used tobacco product among youth. In fact, according to the 2022 National Youth Tobacco Survey, more than 2.5 million middle and high school students said that they currently used e-cigarettes. This is particularly true of those from under-resourced populations, including those from low-income families, those who identify as LGBTQ+, those from lower educational backgrounds, those from underserved communities and those with mental health issues.
- Further, e-cigarette and vaping product use is associated with other substance use and abuse, including alcohol and cannabis.
- Because e-cigarettes and vaping products are relatively new to the U.S. marketplace, we do not yet know the long-term health effects associated with using these products.
- It is important to remember that decades of use and surveillance were needed to provide the strength of evidence we now have confirming the highly significant harm of traditional cigarettes.
- People should know that e-cigarettes contain addictive nicotine and toxic chemicals that may have adverse effects on their cardiovascular system and their overall health.

Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors will remain on the market since the policy exempts menthol e-cigarettes and allows fruit, candy, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes (like the popular brand Puff Bar), to stay on

the market. In addition, other flavored tobacco products such as menthol cigarettes and flavored smokeless tobacco and cigars are still allowed to be sold. The FDA has also shown to be ineffective at enforcing restrictions on flavored tobacco products that were disallowed through its Premarket Tobacco Approval process. It's also important to note that no flavored tobacco product has been approved by the FDA for use as a tobacco cessation product, despite misstatements made by the tobacco industry. No tobacco product is safe. Local authority and enforcement need to be exercised to address this health emergency.

Recently, California joined Massachusetts, New Jersey, New York and Rhode Island as states that restrict the sale of flavored tobacco products—including menthol. They've been joined by over 360 other counties and communities in passing tobacco flavor restrictions. We respectfully urge Honolulu councilmembers to make our community the next to enact such comprehensive policy to address our extremely high youth use rates.

Respectfully submitted,~



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