

BILL046(23)

Testimony

MISC. COMM. 450

HOUSING, SUSTAINABILITY AND HEALTH (HSH)

HOUSING, SUSTAINABILITY AND HEALTH (HSH)
Meeting

Meeting Date: Aug 23, 2023 @ 02:30 PM

Support: 25

Oppose: 15

I wish to comment: 5

Name: CAROL PHILIPS	Email: carolphilips1@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Aug 18, 2023 @ 07:53 AM
Name: Alan Johnson	Email: ajohnson@hinamauka.org	Zip: 96744
Representing: Hina Mauka	Position: Support	Submitted: Aug 18, 2023 @ 08:46 AM
Name: Eloise Bradham	Email: eloisebradham2@gmail.com	Zip: 96815
Representing: Self	Position: Support	Submitted: Aug 18, 2023 @ 09:26 AM
Testimony: I agree with forbidding the sale of flavored tobacco.		
Name: THOMAS NOYES	Email: thomasnoyes@hawaiiantel.net	Zip: 96766
Representing: The Friends of Kamalani & Lydgate Park	Position: Support	Submitted: Aug 18, 2023 @ 02:29 PM
Testimony: City Council, City and County of Honolulu Kindly accept this STRONG support for Bill 46-23. The Friends of Kamalani & Lydgate Park -- a community service organization -- has consistently worked with the County of Kaua'i for 29 years, encouraging physical activity and reducing smoking & tobacco use, particularly among youth. We urge the City and County of Honolulu to adopt this landmark measure now, in the expectation that the State legislature and governor will eventually vote to repeal the Big Tobacco sponsored preemption law currently in effect. At that time, local governments in Hawai'i will once again 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: Mark Nakao	Email: marknakao76@gmail.com	Zip: 96701
Representing: Self	Position: Oppose	Submitted: Aug 18, 2023 @ 02:35 PM
Testimony: Oppose bill46.		
Name: Chani Chung	Email: chanichung77@gmail.com	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 18, 2023 @ 07:16 PM
Name: Paul Ho	Email: hoart@mac.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Aug 20, 2023 @ 06:30 AM
Name: Johnnie-Mae L. Perry	Email: waianaenb569@gmail.com	Zip: 96792
Representing: Hawaii Pacific Health Institute	Position: Support	Submitted: Aug 20, 2023 @ 07:02 AM
Name: Elizabeth Hicks	Email: elizabeth@consumerchoicecenter.org	Zip: 48911
Representing: Consumer Choice Center	Position: I wish to comment	Submitted: Aug 21, 2023 @ 04:57 AM
Name: Jose Miranda	Email: jaisaea521@gmail.com	Zip: 96720
Representing: Self	Position: Oppose	Submitted: Aug 21, 2023 @ 08:03 AM
Testimony: Please Oppose Bill 46 we are already being taxed 70% on our vape we don't need a ban to be put in place thanks		
Name: Curtis Higashiyama	Email: chigashiyama@abcstores.com	Zip: 96813
Representing: ABC Stores	Position: Oppose	Submitted: Aug 21, 2023 @ 10:10 AM
Name: Jos Burnett	Email: josh@volcanoecigs.com	Zip: 96819
Representing: VOLCANO Vape Shops	Position: Oppose	Submitted: Aug 21, 2023 @ 10:14 AM
Testimony: To the Respected Members of the City & County Committee on Housing, Sustainability and Health (HSH),		

I hope this message finds you in good health. As an industry professional who has owned and operated 16 retail locations in Hawaii since 2009, I am writing to voice my strong opposition to Bill 46. This bill, which aims to ban flavored vaping products in Honolulu County, has the potential to disrupt not only our business operations but also the livelihoods of countless employees.

For over a decade, my business has been dedicated to serving adults of the legal smoking age, offering a safer alternative to combustible tobacco products. Flavored vaping products have played a pivotal role in aiding individuals who have chosen to transition away from traditional cigarettes. Banning these products would restrict freedom of personal choice.

Should Bill 46 be enacted, the economic repercussions would be severe. With 16 retail locations across the state, I can attest to the significant financial contribution our industry makes to the local economy. The forced closure of retailers due to the ban would lead to the loss of hundreds of jobs, impacting not only our employees but also countless other retailers, suppliers, distributors, and service providers who rely on our operations.

Furthermore, banning flavored vaping products would inadvertently drive the market underground. Demand for these products will remain, but consumers would be left with no legal avenue to access them. This scenario would give rise to a rampant black market, where unregulated and potentially unsafe products would proliferate overnight, putting consumers at risk.

I also wish to highlight the matter of county preemption laws. These laws restrict counties from creating their own tobacco regulations, as this is a matter that falls under state jurisdiction. Bill 46 may face legal challenges based on this aspect, which could lead to unnecessary confusion and litigation.

In conclusion, while public health is of utmost importance, it's essential to consider the broader impact of Bill 46 on the economy, jobs, and personal choice. I urge the committee to take into account the perspective of business owners who have diligently operated within the bounds of the law while providing a valuable service to the community. I kindly request that the committee reevaluate the potential consequences of this bill and its implications for our businesses, employees, and the economy at large.

Thank you for your time and thoughtful consideration.

Warm regards,

Jos Burnett
Owner, President
VOLCANO Vape Shops

Name: Colleen Fox	Email: cfox@email.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Aug 21, 2023 @ 11:42 AM

Testimony:

I am in support of banning flavored tobacco products, including vapes. Flavors in tobacco products entice users, particularly youth, while the nicotine keeps them hooked through adulthood.

Similar to strategies used by Big Tobacco in the past, flavored vapes are designed to attract children through their sweet flavors, cute names, and candy-like packaging. We are seeing an epidemic of middle and high school vaping with these flavored vapes. Even elementary age kids are getting caught vaping in the schools. Kids as young as 11, dependent on nicotine and tobacco, are getting referred for treatment.

These flavored products don't just get the attention of kids, they attract and sustain adult users as well. Though the average e-cigarette user starts at age 13, it's a problem that continues throughout adulthood. Banning flavored tobacco protects adults as much as it does our keiki. Flavored tobacco is intended to make nicotine and tobacco use more tolerable, which only supports continued use.

Despite their marketing, vapes are not FDA approved cessation devices for adults. In fact, the high dosage of nicotine delivered through vapes make them more addictive than even cigarettes. We don't need to make these dangerous products more enticing through flavors.

Recently, our previous wins in the battle against tobacco use have been diminished because of the sharp increase in vaping. The industry has changed tactics and we need to respond before even more people develop addiction. Banning flavored tobacco products is a positive first step in protecting the health of our community. Please support 46-23.

Name: Bruce Hultgren	Email: bhultgren01@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Aug 21, 2023 @ 12:16 PM
<p>Testimony:</p> <p>Please pass Bill 46 and start to get the addicting flavored products off the market here. The State has been unwilling to pass legislation on this issue. I believe it is imperative the Council speak strongly on this issue.</p> <p>Our city and state does not need another generation of tobacco addicted citizens.</p> <p>The arguments against this are spurious. Those trying to quit by vaping are deluding themselves, far better options for cessation are available. Merchants are not able to enforce this as it is simply too easy for those of age to buy for those underage.</p> <p>Please pass this bill.</p> <p>Bruce L Hultgren MD Kailua</p>		
Name: John Kim	Email: dyjohnkim@gmail.com	Zip: 96817
Representing: Self	Position: Oppose	Submitted: Aug 21, 2023 @ 12:42 PM
<p>Testimony:</p> <p>I oppose Bill 46.</p>		
Name: LOPAKA POAHA	Email: iriehawaiiwaimea@gmail.com	Zip: 96743
Representing: Self	Position: Oppose	Submitted: Aug 21, 2023 @ 01:07 PM
<p>Testimony:</p> <p>i oppose this bill due to the FACT THAT WE THE PEOPLE OF HAWAII ARE ALWAYS PUSHED OUT OF OUR HOME (HAWAII) WITH EITHER BEING PRICED OUT OF PARADISE OR BY THE STATE PASSING SUCH LAW TO PUSH US OUT OF OUR JOBS.. AND I FEEL ITS UNFAIR THAT ALL YOU HIGH RANKING LEADERS OF HAWAII FEEL YOU GUYS CAN DO WHATEVER YOU FOLKS WANT... NOT REALIZING THAT WE JUST BAS HUMAN AS ALL OF YOU THATS MAKING ALL THIS CHOICE AND DECITIONS FOR EVERYONE... ID LIKE TO REMIND YOU THAT GOD DOSENT SLEEP AND HE SEES AND HEAR EVERYTHING YOU GUYS ARE DOING MAY GOD BLESS YOUR HEARTS AND I PRAY THAT YOU FOLKS RECONSIDER YOUR THOUGHTS BEFORE MAKING ANY DECITIONS... THANK YOU</p>		
Name: Joshua Ching	Email: joshua.ching@yale.edu	Zip: 96797
Representing: Youth Council of the Coalition for a Tobacco-Free Hawaii	Position: Support	Submitted: Aug 21, 2023 @ 03:12 PM
Name: Paul Azuma	Email: vapekings808@gmail.com	Zip: 96826
Representing: Vape Kings LLC	Position: Oppose	Submitted: Aug 21, 2023 @ 04:02 PM
<p>Testimony:</p> <p>Vape Kings LLC</p> <p>Testimony on Honolulu County Bill 46 (2023)</p> <p>While I agree with the need to prevent minors from smoking or vaping, I urge the council to consider the negative effects a Flavor</p>		

Ban would have on the existing adult population of smokers, and business owners like myself. Statewide, we are already subject to regulations set forth in SB975 SD2 HD3 CD1, why restrict Tobacco Products even further before any data can be generated on the effectiveness of the legislative bill?

This is especially poignant because bill 46 is cut and pasted out of HB1570, a bill that was vetoed by Governor Ige. The pragmatic reasoning behind that veto being the exemption of PMTA approved ESD(s), and the creation of a black market for Tobacco products. The flaws in HB1570 still hold true in bill 46. The majority of the market for ESD(s) and menthol cigarettes will absolutely be pushed to other counties, other states, and the black market. This bill does not address the problem of youth nicotine addiction, it simply makes Tobacco products harder for the adult residents of Honolulu to obtain legally.

Why not address the problem directly? The school system is a perfect place to start, write bills to fund and enforce "No Tobacco" policies already in place. Give administrators the resources necessary to not only get contraband out of the hands of minors, but to provide addiction counseling when it can have the most impact.

Adults like flavors, one example being the explosion of flavored alcoholic beverages on the market today. Roughly two percent of my sales represents unflavored or Tobacco flavored products, the other 98% being flavored. It is unrealistic to tell these residents to simply quit.

Thank you for your time and consideration.

Paul Azuma
President
Vape Kings LLC
943 Hauoli Street
Honolulu, HI 96826

Name: Valerie Chang	Email: hicopd@gmail.com	Zip: 96821
Representing: Hawaii COPD Coalition	Position: Support	Submitted: Aug 21, 2023 @ 05:00 PM
Name: Tina Yamaki	Email: tyamaki@rmhawaii.org	Zip: 96816
Representing: Retail Merchants of Hawaii	Position: Oppose	Submitted: Aug 21, 2023 @ 06:09 PM
Name: Colby Takeda	Email: colbytakeda@gmail.com	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 21, 2023 @ 09:10 PM
Testimony: While there are many things that we can do to support community well-being, this rises to the top as one of the simplest and most cost-effective, for both our keiki and families! Thank you, Colby Takeda, MPH		
Name: Sandi Yogi	Email: snaris213@gmail.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Aug 21, 2023 @ 09:27 PM

Testimony:

Why band vapes.... People r still selling cigarettes and alcohol ... we should ban alcohol if that's the case kids are still getting alcohol. It's not fair to ban vapes all together it's the parents that have to be diligent watching their kids. Yes kids probably can buy vapes online then maybe think about banning that. And let the small businesses that sell vapes sell.

Name: Luke Itomura	Email: litomura27@punahou.edu	Zip: 96701
Representing: Self	Position: Support	Submitted: Aug 21, 2023 @ 09:30 PM

Name: Kristopher Alfonso	Email: krisalfonso@gmail.com	Zip: 96826
Representing: Self	Position: Oppose	Submitted: Aug 21, 2023 @ 09:36 PM

Testimony:

Unless all tobacco is on the table I strongly oppose this bill. This bill amounts to nothing and is a waste of tax payers money. As a tax paying adult I should have the right to smoke/vape in flavor should I choose. If the aim is to keep kids away then why is tobacco still on the table? Did we not learn from prohibition era?

Name: Guy Bentley	Email: guy.bentley@reason.org	Zip: 22209
Representing: Reason Foundation	Position: I wish to comment	Submitted: Aug 22, 2023 @ 01:16 AM

Name: Christopher Hudgins	Email: c.hudgins@air.global	Zip: 92003
Representing: National Hookah Community Association	Position: Oppose	Submitted: Aug 22, 2023 @ 03:06 AM

Name: Keanu Guynes	Email: kguynes1@gmail.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Aug 22, 2023 @ 07:28 AM

Testimony:

To whom this may concern,

At a young age I was addicted to cigarettes and it had a huge effect on my young high school years til young adult years. I gained a bad cough, bad breath, bad health in general. Quitting cigarettes was not the easiest process but being introduced to flavored nicotine in 2016 helped drastically. I felt healthier, more alive, more happier. Over the years, going to shops around the island, meeting others with the same agenda (quitting cigarettes) was a helping experience. I recently travelled to San Fransisco not knowing that flavored nicotine was banned from the area. Luckily or unluckily a friend suggested he knew somewhere I can get my flavored nicotine from. From a guy selling it on the streets... I still tried it. I started to get an itchy feel to my throat and I knew instantly it was a "knock off product" or a "bootleg" as some may call it. Coming back to Hawaii to purchase my products I have a sense of ease. Trustworthy businesses that follow a protocol. Banning flavored nicotine will only open doors for "bootleg" and "fake" products. This will HURT the community not HELP. Lets be honest, the mail systems do their best to not let contraband items come through their business. But it is not feasible to go through every package. Banning flavored nicotine will only hurt trustworthy tax paying businesses and will now be sold by the local "drug dealers" or such like people. I vote to strongly oppose this bill and I hope this message opens your mind to the reality these bans cause.

Name: McKinley High School students	Email: laverne.moorehi@gmail.com	Zip: 96825
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Representing: McKinley High School students	Position: Support	Submitted: Aug 22, 2023 @ 07:38 AM
Name: Aulii Mafi	Email: aulii.mafi@k12.hi.us	Zip: 96814
Representing: McKinley High School	Position: I wish to comment	Submitted: Aug 22, 2023 @ 08:23 AM
Name: Lindsey Stroud	Email: lindsey@protectingtaxpayers.org	Zip: 60004
Representing: Taxpayers Protection Alliance	Position: I wish to comment	Submitted: Aug 22, 2023 @ 09:30 AM
Name: Rima Khoury	Email: rima@fumari.com	Zip: 92003
Representing: National Hookah Community Association	Position: I wish to comment	Submitted: Aug 22, 2023 @ 10:15 AM
<p>Testimony:</p> <p>Dear Committee Members,</p> <p>On behalf of the National Community Association, we ask that you exempt hookah from the flavored tobacco ban due to its rich cultural significance.</p> <p>Hookah has been practiced for nearly a thousand years by Persians, Arabs, Armenians, Turks, Indians, North Africans, and other minority groups many of which have immigrated to America and still practice their cultural traditions. Hookah is the center piece of social gatherings and is often offered to guests as a sign of hospitality and respect.</p> <p>A tobacco flavor ban is a ban on hookah because it only comes in flavors. Even hundreds of years ago hookah was made with molasses and honey which is still the case today.</p> <p>Thank you for your consideration.</p> <p>Rima S. Khoury</p>		
Name: Landon Yamamoto	Email: bionicipetroleum@gmail.com	Zip: 96797
Representing: Self	Position: Oppose	Submitted: Aug 22, 2023 @ 11:02 AM
<p>Testimony:</p> <p>Aloha,</p> <p>My name is Landon Yamamoto and I own 3 Gas Station convenience stores:</p> <p>Bionic Petroleum Waipahu- District 9</p> <p>Bionic Self Serve- District 5</p> <p>Bionic Texaco Kaimuki- District 4</p> <p>Please oppose Bill 46.</p> <p>Why are we talking about prohibition? We know prohibition doesn't work. It didn't work for alcohol, and it didn't work for marijuana- why are we trying to move backwards and passing laws we know don't work.</p> <p>Let's look at some facts. According to the most recent National Survey on Drug Use:</p> <ul style="list-style-type: none"> - Youth cigarette smoking is the lowest in a generation at 1.3%. - Menthol Cigarette usage is even lower at 0.8% 		

- And the use of cigars and chewing tobacco are just as low 0.8%

I agree we should protect kids from these products, but the data shows that the majority of items prohibited in this bill aren't a major problem with those under 21.

The legislature has better options that don't hurt licensed retailers, like education, cessation support, and underage prevention.

Hawaii legislators should focus on solutions like these that work, not Prohibition

Please oppose Bill 46 and Thank you for your time.

Name: Danny Hwang	Email: ewapantry@gmail.com	Zip: 96706
Representing: Self	Position: Oppose	Submitted: Aug 22, 2023 @ 11:03 AM

Testimony:

Aloha,

My name is Danny Hwang and I own 2 stores:

Ewa Pantry (19 years) -District 9

Bevmart (10 years) -District 5

Please oppose Bill 46.

We are a family-owned business in the Ewa Beach and Honolulu area and employ 5 employees in our stores.

Simply put prohibition does not work and retailers like us are the front line to prohibiting youth access to tobacco products.

This makes no sense —Bill 46 will ban products deemed appropriate for the protection of public health and smokeless products.

Flavors are allowed for other products that adults 21 and older buy, just like alcohol.

I agree that kids shouldn't use products meant for adults, like tobacco and alcohol. That's why the legal age to purchase these products is 21. But banning legal tobacco products for adults 21 and older violates adults' right to make choices for themselves about the already highly regulated products they consume. If passed, this ban would be adult prohibition, plain and simple.

The problem does not lie within honest retailers that pay taxes and support youth tobacco prevention. Please place your focus on youth tobacco prevention as it should be and regulate how these products are being shipped directly to underage users.

Thank you for your time.

Name: Sarah Haanen	Email: haanen@hawaii.edu	Zip: 96822
Representing: Student Health Advisory Council at University of Hawai'i at Mnoa	Position: Support	Submitted: Aug 22, 2023 @ 11:50 AM

Name: Kuulei Salzer	Email: kuuleisalzer@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Aug 22, 2023 @ 12:26 PM

Testimony:

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 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.

Ending the sale of all 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.

Flavored products are driving this epidemic, where 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.

Name: Don Weisman	Email: don.weisman@heart.org	Zip: 96734
Representing: American Heart Association	Position: Support	Submitted: Aug 22, 2023 @ 02:38 PM

Name: Michael Paul	Email: green.msp@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Aug 22, 2023 @ 02:46 PM

Name: Valerie Smalley	Email: cherub42004@msn.com	Zip: 96821
Representing: Self	Position: Support	Submitted: Aug 22, 2023 @ 02:56 PM

Testimony:
Aloha City Council Members,

I am a Tobacco Treatment Specialist who knows firsthand the impact that these products have both on youth and also adults. 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 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. These are products that are easy to get hooked on but not so easy to quit with both short term and long-term health effects.

I strongly support this bill.
Valerie Smalley

Name: Logan Lau	Email: loganlau@stanford.edu	Zip: 96821
Representing: Self	Position: Support	Submitted: Aug 22, 2023 @ 10:15 PM

Name: Kate Shower	Email: kateshower270@gmail.com	Zip: 96816
Representing: Hawaii Public Health Institute	Position: Support	Submitted: Aug 22, 2023 @ 11:25 PM

Testimony:

My name is Kate Shower and I live in Kaimuki and I am testifying in support of Bill 46 relating to Flavored Tobacco Products. As a student I have seen the negative effects that flavored tobacco products has had on my peers first hand. These products can lead to increased anxiety and depression in teens, as well as having negative effects on teens bodies. I believe this bill will help to protect the youth, that have been targeted by big tobacco. We must hold these corporations that are making products targeted to get teens addicted accountable. Thank you for your time.

Name: Peggy Mierzwa	Email: peggy@hiphi.org	Zip: 96813
Representing:	Position:	Submitted:

Hawaii Public Health Insititute	Support	Aug 23, 2023 @ 10:57 AM
Name: Liza Ryan-Gill	Email: lizaryangill@gmail.com	Zip: 96822
Representing: Campaign for Tobacco-Free Kids, Hawaii	Position: Support	Submitted: Aug 23, 2023 @ 11:33 AM
Name: Jill Tamashiro	Email: jill.tamashiro@doh.hawaii.gov	Zip: 96813
Representing: Department of Health	Position: Support	Submitted: Aug 23, 2023 @ 12:33 PM
Name: Zhizi Xiong	Email: alohadivinedesign@gmail.com	Zip: 96817
Representing: CARES	Position: Support	Submitted: Aug 23, 2023 @ 01:55 PM
Testimony: CARES testifies in strong support.		
Name: Ra Long	Email: d_r_long@icloud.com	Zip: 96818
Representing: Fred Sundries	Position: Oppose	Submitted: Aug 23, 2023 @ 02:19 PM
Testimony: I urge the council to oppose Bill 46.		

Carol Philips
Haleiwa Resident

August 23, 2023

Re: Strong Support of Bill 46 (2023)

Honorable Members of the Honolulu City Council Committee on Housing, Sustainability and Health,

I am writing today to provide my testimony in strong support of the proposed legislation that aims to ban the sale of flavored tobacco products in the City and County of Honolulu. This critical step is essential to protect the health and well-being of our community, particularly our youth, from the escalating use of electronic smoking devices and flavored tobacco products.

The rise in the use of electronic smoking devices, commonly referred to as "vapes," has sparked a concerning surge in youth nicotine addiction. Recent data from the 2019 State of Hawaii Department of Health study revealed an alarming statistic: more than 30 percent of high school students in Hawaii are regular users of electronic smoking devices. This trend not only endangers our young generation's health but also places their future at risk due to the potential harms associated with these devices, including severe lung disease, potential brain development impairments, and acute nicotine poisoning.

Flavorings in tobacco products, excluding menthol, were prohibited in conventional cigarettes following the enactment of the Family Smoking Prevention and Tobacco Control Act of 2009. The rationale behind this prohibition was clear: flavorings encouraged experimentation with cigarettes and prolonged usage, which in turn increased the risk of tobacco use disorder. The success of this flavor ban is evident, with a remarkable 58 percent reduction in the number of cigarettes smoked by youth and a 17 percent decrease in overall cigarette consumption among this age group.

However, this positive impact has been partially undermined by the continued availability of menthol cigarettes and other flavored tobacco and nicotine products. Products such as small cigars, e-cigarettes, and similar devices, while carrying similar risks, have managed to sidestep the same regulations as conventional cigarettes. To truly safeguard our youth from the dangers of tobacco, it is imperative that we extend the prohibition to encompass all flavor ingredients, including menthol, in every form of tobacco and nicotine product.

Research suggests that focusing on "characterizing" flavors, rather than specific flavor ingredients, creates potential loopholes that tobacco companies exploit to evade flavor bans. Historically, tobacco companies have exploited flavored products to target vulnerable demographics, especially youth from communities facing high levels of discrimination and stigma. The example of menthol cigarette advertising and promotions disproportionately aimed at Black communities serves as a stark reminder of this pattern. By banning all flavors in all tobacco and nicotine products, we not only safeguard public health but also promote social justice and racial equity.

Given the detrimental health effects and addictive nature of these products, it is imperative that we adopt a comprehensive approach to regulate their sale and distribution. The proposed trigger ban on flavored tobacco products demonstrates a forward-thinking approach to protecting the public's health, especially that of our youth, and curbing the further spread of nicotine addiction. While preemption of county regulations on tobacco sales has not been overturned, this ordinance proactively establishes a trigger ban on flavored tobacco products in the event that Act 206 is suspended or overturned.

In conclusion, I urge the Honolulu City Council to wholeheartedly support the ban on flavored tobacco products within the City and County of Honolulu. This legislation is a decisive step towards prioritizing the health and well-being of our youth and community, mitigating the devastating consequences of nicotine addiction, and promoting a future free from the grip of flavored tobacco products. Thank you for your attention to this critical matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carol Philips". The signature is written in a cursive, flowing style.

Carol Philips,
Haleiwa, Hawaii



Bill046(23) Ban Flavored E-Cigarettes

Council Meeting August 23rd, 2023 at 2:30

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

Esteemed Council Chair Waters and Council Members,

My name is Chani Chung from Honolulu, Hawaii. While not personally a tobacco user myself, I have seen the effects of it on the people around me. The most notable is my grandfather, who has smoked for many years. He has tried to quit in the past, and he was only recently able to do so because he suffered from a mini-stroke. To think that the main reason he had to suffer through this was due to his frequent tobacco intake is very concerning to me, and it all started when he was exposed to tobacco products in his youth. Preventing the sale of tobacco products, specifically flavored products, to youth today is the first step to preventing future adults from suffering from the same afflictions my own grandfather faced. Flavored tobacco products are made to appeal to younger audiences, and their usage is the start of long-term addictions and health issues. Plus, the increase of flavored-tobacco users can cause more second-hand consumption, which can expose people to many different hazardous chemicals, toxins, and nanoparticles, all of which can cause future diseases/issues in the lungs, heart, kidneys, liver, and more. Introducing flavored-tobacco products to youth can have an effect on their development as well, which can be detrimental to their education and future. This can include harm to their brain development, heart function, lung health, and mental health, which is already a big concern among teens. 8 in 10 people who are introduced to tobacco products at a young age are introduced by the use of flavored products and 97% of youth use flavored products, which is mind boggling. The usage of flavored tobacco products should be banned in the City and County of Hawaii for the above reasons.

Mahalo,
Chani Chung

To: Housing, Sustainability, and Health (HSH) Meeting (Aug. 23, 2023)

From: Dr. Paul C. Ho, Board-Certified Cardiologist
Clinical Professor in Medicine
JABSOM

Date: August 20, 2023

Subject: Support of BILL046(23)

I am a clinical cardiologist. I served as Head of the Cardiology Department at Kaiser Permanence for eleven years and am currently a Clinical Professor in Medicine at JABSOM. Everyday, I encounter patients with heart disease suffering from the effects of tobacco-related products. Everyday, I counsel my patients against the danger of these serious risk factors. By now, the scientific evidence of the deleterious effects of smoking of any type of tobacco products (including electronic cigarettes and vaping) is abundant and cannot be ignored [1].

Enticing flavors are added to many, if not most types of tobacco products, to addict young people and keep adults who may want to quit from being successful. And as you'll see in the Scientific Statement [1], the flavors themselves when inhaled pose health risks. It's important to stress that any restrictions on flavors must be comprehensive and encompass all tobacco products so as not to create loopholes that the tobacco industry can exploit to continue addicting future generations to enhance its profits.

Whether you have heart disease or not, studies have shown a causal relationship between smoking and the development of heart disease. If you already have heart disease, these toxic exposures would only accelerate the disease process leading to death. If you haven't, smoking of any kind will begin lifelong suffering from related illnesses. There is no question that an educated, well-informed, and responsible society should create an environment with less toxic exposures. Passing Bill046(23) is a matter of public health.

Sincerely,
Paul C. Ho, MD, FACC, FSCAI
Clinical Professor in Medicine
JABSOM

Reference:

[1] Jason J. Rose et al. Cardiopulmonary Impact of Electronic Cigarettes and Vaping Products: A Scientific Statement From the American Heart Association. *Circulation*. 2023;148:e00–e00. DOI: 10.1161/CIR.0000000000001160

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 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.

Ending the sale of all 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.

Flavored products are driving this epidemic, where 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.

Bill: [Bill 46\(23\)](#)

Position: Strong Support

Honolulu C&C Committee: Housing, Sustainability, and Health (HSH)

Date/Time: Wednesday, August 23, at 2:30 PM

[Hearing Notice and Agenda](#)



August 23, 2023

TESTIMONY: BILL046(23) - RELATING TO FLAVORED TOBACCO PRODUCTS.

Dear Chairs and Members of the Housing, Sustainability, and Health Committee,

My name is Elizabeth Hicks, I'm the US Affairs Analyst at the global consumer advocacy group called the Consumer Choice Center.

Simply put, this bill will do more harm than good if passed. Enacting a flavor ban for vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,400 Hawaiians lose their lives to smoking-related illnesses every year. Considering that [studies have shown vaping to be 95% less harmful than smoking](#) and that adults who use flavored vaping products are [2.3 times more likely](#) to quit smoking cigarettes, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Honolulu

We know that smoking combustible tobacco can lead to a variety of illnesses including heart and lung disease and a variety of cancers. After being around second-hand smoke most of my life, this past year I unfortunately received my own cancer diagnosis, undergoing 12 rounds of chemotherapy, 20 sessions of radiation, 9 cycles of immunotherapy and multiple surgeries - and I can assure you that I would not wish this on anyone. Embracing vaping as a harm reduction tool here in Honolulu will help ensure that your citizens are less likely to end up in a situation similar to mine.

More than 7% of Hawaii's adult population uses vaping products, accounting for over 100,000 Hawaiians who have switched to a healthier alternative to combustible tobacco. According to data from the [Hawaii Journal of Medicine and Public Health](#), the largest demographic of Hawaiian vapers are actually 65+ years in age and started vaping as a means to quit smoking cigarettes. Banning flavored vaping products will encourage these former smokers to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Hawaiian taxpayers \$141.7 million annually.

Additionally, if a flavor ban is enacted in Hawaii, then consumers will likely look towards the illicit market in order to get access to their preferred flavored vaping products. This presents serious concerns for Hawaiian public health as vapers will be purchasing unregulated products that could be extremely dangerous to their health.

For perspective, Massachusetts enacted a ban on flavored vaping products in 2019 and the [results have been disastrous](#). Since the ban, there has been a massive influx of interstate smuggling of tobacco products which has resulted in a thriving illicit market, lost tax revenue for the state, and criminalization of adult consumers who are just trying to make the healthier choice. I urge the Honolulu City Council to learn from these failed policies and ensure that your city and county doesn't suffer a similar result.



In addition to endangering public health, pushing consumers to the illicit market through a flavor ban will also be to the detriment of many vape shops throughout the state as many of their products will no longer be available. This bill could effectively kill many of these small businesses already struggling to stay afloat in the current economic environment.

Although this bill is certainly well-intentioned, the proposed flavor ban is simply misguided. If this committee wishes to protect public health, small business, and consumer choice within Honolulu then I strongly encourage you to embrace harm reduction by rejecting this bill.

Thank you for your time and attention to this matter.

Sincerely,

Elizabeth Hicks
US Affairs Analyst
Consumer Choice Center
elizabeth@consumerchoicecenter.org



ABC Stores
766 Pohukaina Street
Honolulu, Hawaii 96813-5391
www.abcstores.com

Telephone: (808) 591-2550
Fax: (808) 591-2039
E-mail: mail@abcstores.com

Testimony 8/18/23

Re: City Council Bill 46-A trigger ban on flavored tobacco products should Act 206 be overturned or suspended.

Good Afternoon Chairperson Tommy Waters and members of the City Council, Committee on Housing, Sustainability and Health. I am Curtis Higashiyama Government Affairs Manager and I appreciate this opportunity to testify.

ABC Stores is in **Opposition** to City Council Bill 46. Initiates a trigger ban on flavored tobacco products should Act 206 be overturned or suspended. This ordinance takes effect 42 days after the day on which the State of Hawaii preemption of county ordinances on the sale of tobacco products is officially repealed or suspended.

Thank you for the opportunity to testify. Selling legal, age-restricted products responsibly is our top priority as a retailer of tobacco products. It is our responsibility to ensure these products do not get into the hands of minors and that our employees only sell tobacco products to adults over the age of 21 years old. In fact, we spend numerous hours training employees in how to properly check IDs, and other age verification protocols. As a company we also have in place policies covering the proper selling of age restricted products such as tobacco along with the consequences if procedures are not followed. As part of the training the employees are introduced to the proper usage of the registers handheld scanners to properly scan ID's using our current technology of age verification and for those that can't, a detailed manual process is reviewed during training. Compliance checks are also completed weekly through a process called "Store Night Visits" conducted by our District Managers and others in Operations. These visits check on numerous operations of our stores which includes a check on proper procedures being followed for sales on age restricted products.

As a company with multiple locations and in different regions, abiding by different laws and ordinances make compliance and enforcement for retailers difficult. We are concerned that having individual counties pass differing ordinances will make compliance and enforcement difficult not only for retailers but also the administration. As stated above we take seriously the selling of tobacco products as it is an age restricted item. We are the front line to properly selling, not selling, and preventing access to those who are underage. We strongly encourage efforts be placed on current enforcement programs instead of potentially having different programs dependent on locality to prevent the availability of any tobacco product from getting into the hands of our youth.

Thank you for the opportunity to testify in opposition to Bill 46.

Mahalo,
Curtis Higashiyama
ABC Stores
Employee Relations and Government Affairs



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.



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

August 21, 2023

Members of the Honolulu City Council Housing Sustainability and Health Committee

RE: **Strong Support of Bill 046(23) Relating to Tobacco Products--Flavored Tobacco Products**

Dear Committee Members,

This measure is extremely critical to the health of the children and adults of Honolulu and our entire state as well. **Please vote in favor of Bill 046(23)** which will end the sale of flavored tobacco and nicotine products, to protect the health of Hawaii's people, especially its vulnerable children and the adults who will be seduced by these flavors, as soon as the legislature ends its restrictive pre-emption ban on tobacco regulation.

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.

Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019!

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 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.

Ending the sale of all 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.***

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

While we are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain. Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, [What Does Vaping Do to Your Lungs? | Johns Hopkins Medicine](http://www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs) at www.hopkinsmedicine.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs.

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

Our state has long needed regulation of electronic smoking devices, which is proliferating due to its low cost and wide availability. This legislation with a ban of flavored nicotine and tobacco products is what is needed to protect our youth.

Please help protect the lungs and lives of our children and adults from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please **vote in Bill 046(23) and pass it out of committee so it can become law as soon as pre-emption on tobacco is eliminated by the legislature**. 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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
August 23, 2023**

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

Aloha, Chair Weyer members of the Honolulu City Council's Committee on Housing, Sustainability and Health. 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, family members, older of age 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 care 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.



Luke Itomura
Aiea, Hawaii

August 21, 2023

Committee on Housing, Sustainability, and Health
Matt Weyer, Chair
Esther Kiaʻāina, Vice Chair
City and County of Honolulu

TESTIMONY IN STRONG SUPPORT OF BILL 46

Dear Committee on Housing, Sustainability, and Health, Chair Matt Weyer and Vice Chair Esther Kiaʻāina,

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. I stand along with countless Hawaii youth, who despise the youth-flavored vaping epidemic. We collectively believe that passing this legislation is an essential step in protecting the health and future of the youth.

At just 13 years old, I was offered a flavored vape by another youth for the first time. This youth smoker used many tactics to peer pressure me into trying it. Their main tactic was telling me it was a delicious Hawaiian Sun flavor; a local favorite. 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 My friends in the sixth grade had also mentioned that they were offered flavored vapes. For people as young as twelve, flavors like watermelon or jolly rancher are an enticing death trap. What starts as innocent curiosity can turn into a lifelong addiction filled with lung cancer, strokes, heart disease, and countless other diseases. There is no other product on the market that kills 50% of its users.²

Bill 46 will act as a barrier preventing youth from being used by companies like Big Tobacco, who specifically target youth with their marketing in social media, magazines, and stores. Big Tobacco directly stated, "Younger adult smokers are the only source of replacement smokers. If younger adults turn away from smoking, the industry must decline (Big Tobacco, 1984)." Why play with the health of the youth, just so the tobacco industry can thrive? 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

I passionately request that the Committee on Housing, Sustainability, and Health, Chair Matt Weyer, Vice Chair Esther Kiaʻāina, and the Council Members to support Bill 46, be agents of positive change, and to stand on a side of health, compassion, and a brighter future for our youth.

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. World Health Organization. "Tobacco." World Health Organization, www.who.int/news-room/fact-sheets/detail/tobacco#:~:text=Key%20facts,exposed%20to%20second%2Dhand%20smoke. Accessed 21 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.
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Honolulu City Council
Testimony: Bill 046(23)
Guy Bentley, Director of Consumer Freedom, Reason Foundation
August 23, 2023

Chair Waters and members of the City Council,

Thank you for allowing me to submit comments on the proposed ban on flavored tobacco products.

My name is Guy Bentley, and I am the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind this measure to limit tobacco use, especially among youth, is to be applauded. However, the evidence of the success of such prohibitions should raise significant concern that the ban will promote further inequalities in the criminal justice system, push sales and tax revenue to other jurisdictions, increase the illicit tobacco trade, and fail to improve public health.

Food and Drug Administration Review and Tobacco Harm Reduction

In 2021, the Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed to be net beneficial, it will be authorized for sale as appropriate for the protection of public health.

If Honolulu chooses to ban these products before the FDA concludes its review, it will limit consumer access to products the FDA may deem positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned, and half said they would find a way to get their preferred flavor. Of most concern was the finding that close to one in five vapers said they would stop vaping and smoke instead.¹

¹ Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to the problem of youth vaping, policymakers should recognize that, according to the 2022 National Youth Tobacco Survey (NYTS), 86 percent of high schoolers are not using e-cigarettes at all, and 98 percent are not smoking combustible cigarettes. Data released by the Centers for Disease Control and Prevention (CDC) shows that flavors are not the leading reason youth initiate vaping. According to the CDC, the primary reason youth initiate vaping is curiosity, followed by peer influence or family members. Availability in flavors, such as mint, candy, fruit, or chocolate, comes as a very distant third.² Banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents.

In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University's Abigail Friedman found that after the ban was enacted, San Francisco area youth had double the odds of smoking compared to similar jurisdictions with no tobacco flavor ban.³ "While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health," said Friedman.

According to a 2020 study by Yale School of Public Health researchers, e-cigarette flavors are positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.⁴ The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies in helping smokers quit.⁵ Prohibition of flavored e-cigarettes, which are overwhelmingly the choice of adult vapers, risks fueling illicit markets, forcing the closure of Honolulu vape shops, and driving vapers back to smoking.

Canada, England and the United States." *Addictive Behaviors*. Volume 125. February 2022.

<https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

² Wang TW, Gentzke AS, Creamer MR, et al. "Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019." *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down

³ Friedman AS. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California." *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

⁴ Abigail S. Friedman, PhD; SiQing Xu, BS. "Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation." *JAMA*. June 5, 2020.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787>

⁵ Cochrane Review. "Updated Cochrane Review shows electronic cigarettes can help people quit smoking." October 14, 2020.

<https://www.cochrane.org/news/updated-cochrane-review-shows-electronic-cigarettes-can-help-people-quit-smoking>

Case Study: Massachusetts

Massachusetts' ban on flavored tobacco products went into effect in June 2020. My colleague Jacob Rich, based out of the Center for Evidence-Based Care Research at the Cleveland Clinic, has analyzed the ban's impact, comparing cigarette sales in Massachusetts the year before the ban and the year following the ban's implementation. We found that there was a net increase in cigarette sales of 7.2 million packs within Massachusetts and across its bordering states.⁶

These figures underestimate cross-border trade because they need to account for lost sales of flavored e-cigarettes, smokeless tobacco, or cigars. Massachusetts also saw a 15.6 million pack increase in non-menthol cigarette sales as consumers switched brands. According to the Tax Foundation, Massachusetts lost \$125 million in tobacco revenue for the fiscal year 2021.⁷

Thank you for your time. I would be happy to answer any questions.

Guy Bentley, Director of Consumer Freedom, Reason Foundation
guy.bentley@reason.org

⁶ Jacob Rich. "Estimates of Cross-Border Menthol Cigarette Sales Following the Comprehensive Tobacco Flavor Ban in Massachusetts." MedRxiv. April 27, 2022.

<https://www.medrxiv.org/content/10.1101/2022.04.24.22274236v1>

⁷ Ulrik Boesen. "Massachusetts Flavored Tobacco Ban: No Impact on New England Sales." Tax Foundation. February 3, 2022.

<https://taxfoundation.org/massachusetts-flavored-tobacco-ban-sales-jama-study/>



Preserving Hookah Culture & Protecting Hookah Tradition across the USA

August 23, 2023

The National Hookah Community Association (NHCA) brings together, and serves as the voice of, hookah producers, distributors, sellers, hookah lounge owners, consumers, and community members who support the preservation of hookah's cultural traditions. We are writing to request that as you consider the ban on flavored tobacco products, you acknowledge the cultural significance of hookah to minority and immigrant populations as well as the lack of youth access to, and use of, the product. California took a historic step in December by enacting a statewide ban on flavored tobacco products, which exempted hookah, for these reasons. NHCA has worked with California, and with many other state and local governments including Colorado, Columbus, Denver, San Diego, San Jose, Los Angeles, and others, to include exemptions for hookah in recent flavor ban legislation.

Hookah is a small category in the tobacco space, making up only roughly 0.005% of nicotine product sales. However, hookah is an important cultural practice to many and one that has existed for centuries, originating in the Middle East and India. Today, a broad cross-section of immigrants in the U.S. from around the world enjoy hookah at home and in lounges as a centerpiece for cultural, business, and social gatherings. Hookah is widely used by Middle Eastern, Armenian, Turkish, East African, Indian, Persian, Indonesian, and other minority immigrant citizens. Hookah lounges across the country have come to serve as safe gathering places for many diverse ethnic and religious communities. Despite the importance of this social practice and tradition, NHCA members continue to find that many policymakers are often unfamiliar with hookah, its practice, and its community.

NHCA fully supports efforts to eliminate youth access and usage of tobacco products, including hookah. Hookah is unlikely to be used or consumed by youth for many reasons. Hookah water pipes are expensive, several feet tall, not easily concealed, and the setup for use is a lengthy process. Lounges that offer hookah are restricted to of-age customers, preventing teens from accessing the product. Recent research by the Centers for Disease Control and Prevention (CDC) found that just 1% of middle and high school students used hookah in the past 30 days, ten times less than the number of teens who vape.

Shisha, the product used in hookah, is a combination of tobacco and a sugar substance such as honey or molasses, and the total product is only comprised of approximately 15% tobacco. As has been the practice for hundreds of years, hookah is, by nature, a flavored product. Unfortunately, noble efforts to address the teen vaping epidemic by **banning flavored tobacco also would result in the ban of ALL hookah.**

A ban on hookah would not only eliminate this important cultural practice for many U.S. citizens, but could also shutter many small, independent, and minority owned businesses. Many of these businesses serve as community gathering places for immigrant populations in cities across the country. Many hookah users are part of religious or ethnic populations that already face discrimination. Eliminating this cultural practice would make many feel as though they are misunderstood and targeted as an outsider by lawmakers and regulators.

We ask that you do not target this important cultural practice and shutter minority and immigrant owned businesses. Please grant an exemption for hookah from any flavored tobacco ban.

National Hookah Community Association

McKinley High School
ELA Students Testimonies

Bill 46

The ban of flavored tobacco products

August 23, 2023

Honolulu City Counsel

2:30pm

Nani bak

I support the ban of flavored tobacco products. We know it's dangerous for all of us to use. It gets teenagers hooked. It makes it likelier they will be addicted to their daily routine to keep buying and damaging their body. Also makes it hard to quit and just keep vaping. Not only that there's a chance you could die earlier than you expected. For all these reasons I support the ban.

I support the ban of flavored tobacco products. It is crucial to protect young people from the attractive flavors that make these products more appealing and increase the risk of youth initiation and addiction. Banning flavored tobacco products helps address health disparities by preventing these products towards minority and low-income communities, reducing their disproportionate exposure to the harms of tobacco use. Implementing a ban on flavored tobacco products has proven to be effective in reducing youth tobacco use and overall public health outcomes, making it a necessary step in promoting and safeguarding the well-being of the population.

I would support to ban the flavored tobacco products because it will give you health problems and probably would have to go to the hospital. The sale of flavored tobacco products is a very expensive habits so I people should try and avoid starting a very bad decision. The advertisements that these companies are using make appealing to young people to try the products. It is very dangerous when a child starts using the tobacco products it becomes a lingering problem. For these reason I support the band on flavored tobacco products

I support the ban of flavored tobacco product because flavor tobacco are considered tobacco products because most of them contain nicotine which comes from tobacco Besides nicotine, e-cigarettes can contain harmful and potentially harmful ingredients, including ultrafine particles that can be inhaled deep into the lungs.

Zayden wells gould
August 21

I support the bill f i think that smoking is very bad and i feel like people only smoke vapes because of the flavor and for one it can cause lung disease which does not sound very fun and it can als have an excess buildup of fluid in your lungs which can cause cancers of types and no one really knows what's inside and nicotine poisoning can cause long term damage to one's self and overtime you can build a very bad habit which can cause a premature death.

Brian Cruz
08/21/23
Period 7

Flavored Tobacco Testimony

I support the ban of flavored tobacco products because it is bad for their health. Flavored tobacco looks good, but not good for people's lives. It can lead to lung cancer, chronic bronchitis, and emphysema. It is too addictive for young adults. Nicotine can cause young adults to be addictive and it's not safe. It could be dangerous for their life. People can die if they smoke too much. So we will let the flavored tobacco products be banned.

I'm neutral about the ban of flavored tobacco products because this is not my problem nor do I even associate with such because I have no point to.

I'm neutral about the ban of flavored tobacco products because I could genuinely care less about the well-being of others who do or do not support the ban. Their health is not of my concern at all, only theirs, and their actions are their consequences, not mine.

I'm neutral about the ban because it's their life not mine. I'm not paying for the smoking products, they are.

I support the ban of Tobacco because it can damage people's lungs and kill them and it contains bad chemicals that will block your airways and cause you to pass out.

Another reason why I support this is because Tobacco can take a toll on your health mentally and physically. Tobacco can also damage your brain and can cause an addiction to buy more.

Final reason why you should support the ban of Tobacco is because you should take care of your health and well-being and always quit if you take it.

Bill To Ban Flavored Tobacco Product

I support the ban for flavored tobacco because it is bad for your health. The effects of tobacco such as bad breathing, Fatigue and a decrease in energy, Reduction in the senses of taste and smell, coughing and shortness of breath. Tobacco will damage your lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones. This will also affect athletic performance.

Tobacco can also affect the brain to think slowly. This would affect students at school due to lack of responses in the brain to do the work in school. It also increased rates of anxiety, panic attacks, depression, suicide attempts and schizophrenia. Tobacco can also lead to addiction because it causes mood altering changes to the brain that can temporarily feel good. This would also increase the risk of developing psychiatric disorders and cognitive impairment in later life.

Life expectancy decreases by 13 years on average for heavy smokers compared to people who have never smoked. According to google "It is estimated that More than 480,000 deaths annually 278,544 deaths annually among men 201,773 deaths annually among women ". Researchers discovered that smokers showed an accelerated rate of aging through to age 55 years regardless of sex. If a lot of young adults do tobacco then their offspring will have side effects from this.

I am neutral about the flavored tobacco products because it can be unhealthy for your body, it can damage your lungs, make your body weak, make you addicted, and if you are a child and going to school it can distract you from learning and will have you behind on work. It can also be a good thing for taxes and it can have a soothing effect on your body.

8/21/23

I support the ban of Flavored tobacco products. I support the ban of flavored tobacco products because it's like drug, and like a drug you become addicted to it, and something for these tobacco products and vape products you will become addicted to it. And like the article said "More than 30% of high school students in the state regularly use electronic smoking devices, these devices, the bill states, have been linked to severe lung disease, potential harm to brain development and acute nicotine poisoning." Another reason why I am supporting this ban is because these parents are not watching their child/students, they are not keeping their kids in check.

Ofa Keli, (808) 594-0400
2741401789@k12.hi.us

TO: Honolulu City Council

Re: Bill 46(2023) - Flavored tobacco
Products Defining and Prohibiting
the Sale of Flavored tobacco Products
Within the City and County of
Honolulu.

I, Ofa Keli, Support Bill 46-23,
banning flavored tobacco products,
As a Student at McKinley High
School, I see students not doing
There work and not focusing in class.
It will also help students health and
grades in school.

Hideto Otsu (808) 544-0400
1121400241@k12.hi.us

to: Honolulu City Council

RE: Bill 46 (2023) - Flavored tobacco products
Defining and prohibiting the sale of flavored
tobacco products within the city and county of
Honolulu.

I, Hideto Otsu, strongly support Bill 46-23,
banning flavored tobacco products. As a student at
McKinley High school, I see some students not
focusing in class. This bill will improve students
behavior and cut down on second hand smoke.
This would also improve students health and support
getting better grades in school.

Please Support Bill 46

Sarang Jung 8/21/23

Sarang Jung, (808) 594-0400
1121450744@h12.hi.us

to: Honolulu City Council

Re: Bill 46 (2023) - Flavored tobacco
Products Defining and Prohibiting
the Sale of Flavored tobacco
Products within the city and county
of Honolulu.

I, Sarang Jung, Strongly Support
Bill 46-23, banning flavored tobacco
products. As a student at McKinley
High School, I see students not
focusing in class. This bill will
improve students behavior and cut
down on second hand smoke. This
would also improve students
health and support getting better
grades in school.

please support Bill 46

Bransen Peters (808) 594-0400 | 42400110@k12.hi.les

To: Honolulu city council

Re: Bill 46 (2023) - Flavored tobacco Products Defining and Prohibiting the Sale of Flavored tobacco Products within the city and county city Honolulu.

I, Bransen Peters, Strongly supporting Bill 46-23. Banning Flavored tobacco Products. As a McKinley highschool student I think it is a good idea because kids lose focus in school and their grades go down. Banning Flavored tobacco will improve students athletic ability and learning ability. Banning Flavored tobacco can also cut down on Bad grades and second hand smoke. Lastly Banning tobacco can help improve health and better academics.

Please Support Bill 46,

Chloe Hokoana (808) 594-0400

1281400316@k12.hi.us

TO: Honolulu City Council

Re: Bill 46 (2023) - Flavored tobacco Products
Defining and Prohibitting the Sale of flavored
tobacco Products within the City and county of
Honolulu.

I Chloe Hokoana, Stenght support bill 46-23
banning flavored tobacco products. As a student
at McKinley High School, I see students not
focusing in class. this bill will improve students
behavior and cut down on second hand smoke
This would also improve students health and support
getting better grades in school.

Please support bill 46 //

Arrian Rabago, (808) 594-0400
1351400333@k12.hi.us

to: Honolulu city council

Bill 46 (2023) - Prohibiting/Banning the
sale of Flavored tobacco products within
Honolulu.

I, Arrian Rabago Strongly Support Bill
46-23, Banning all flavored tobacco
products. As a student of McKinley Highschool,
I believe this bill would help students
Prioritize their schoolwork instead of
flavored n.c. Vaping is a health concern,
not only for the one doing it, but for the
people around them too, like for people
who are allergic to strong scents.

Please Support Bill 46

Vivian Vo (808-432-5611)

to: Honolulu City Council

Re: Bill 46 (2023) Flavored tobacco products
Defining and Prohibiting the sale of Flavored
Tobacco Products within the City and County of
Honolulu.

I Vivian Vo, strongly support Bill 46-23,
Banning Flavored tobacco products. As a student
at McKinley High School, I see students not focusing
in class, this bill will improve student's behavior
and cut down on second hand smoke. This
would also improve students' health and support
getting better grades in school.

please support bill 46

Poho Tom on to ng kama kahu

68080594-0400

2571107012 (A) k12.hi.us

TO: Honolulu City Council

RE: Bill 46 (2023): Vaping is
the most dangerous to the world
because vaping can cause lung
disease because when you are
too addicted to vaping because
when you get too addicted
to vaping that means you
can't stop vaping then you
could die if you keep on
vaping because if you do
or not then you're going to
keep on doing it.

I Poho Tom on to ng kama kahu
hopefully I strongly support
for the school campus because
I want people to stop vaping
in our school campus.

Thank you

Labela Hussey (808) 594-0400
loll200814@K12.hi.us

To: Honolulu city council

Re: Bill 46 (2023) - Flavored Tobacco products
Defining and Prohibiting the Sale of Flavored
tobacco products within the city and county of
Honolulu.

I, Labela Hussey, Strongly Support Bill 46-23,
banning flavored tobacco products. As a student
at McKinley High School, I see students who
are not 18 year old are vaping in school
and not focusing in class not going to
to class. This would also improve student
mental health and get good grades in
school.

Please support Bill 46

Inari Isam, (808) 594-0400
11714009120@f12.hi.us

To: Honolulu city council

Re: Bill 46(2022) - Flavored Tobacco Products
Defining and Prohibiting the sale of flavored
tobacco products within the city and county of
Honolulu.

I, Inari Isam, strongly support Bill 46-22,
banning flavored tobacco products. As a student at
McKinley High School, I see students not focusing in
class, this bill will improve students behavior and cut
down on second hand smoke. This would also improve
students health and support getting better grades in
school.

please support Bill 46

Akayla Orosco-Thomas 808-594-0900 38811023036212

To: Honolulu City Council

Re: Bill 46 (2023) - Flavored Tobacco Products.

Defining and prohibiting the sale of flavored tobacco products within the city and country of Honolulu.

I Akayla Orosco-Thomas strongly support Bill 46-23, banning flavored tobacco products. As a student at McKinley HS this bill will improve student behavior and cut down on second hand smoke. Please support bill 46.

Joshua Berardi 808-594-0400

TO: Honolulu City Council

Re: Bill 46 C2023- FLAVOR
TO BACCO PRODUCTS. Defining and
prohibiting the sale of flavored tobacco
products within the City and County of
Honolulu.

I, Joshua Berardi strongly support Bill
46-23, banning flavored tobacco
products. As a student at McKinley HS
this bill will improve student behavior
and cut down on second hand smoke.
this would also improve students health
and support getting better grades in
school. Please I support this bill 46

from Isiah Rojas 8.08 8961000 1262008185@hawaii.edu

To: Honolulu City Council

Re: Bill 46 (2023) FLAVORED Tobacco Products
Defining and prohibiting the sale of flavored tobacco
products within the city and county
of Honolulu

I Isiah Rojas strongly support Bill 46-23 banning
flavored tobacco products. As a student of McKinley HS
we want to stop tobacco products because
it's affecting our students learning ability. And it's
killing people all over the world. By banning nicotine products
in one state one by one. Can save people lives.

I Isiah Rojas strongly support Bill 46-23 banning flavored tobacco
products. As a student of McKinley HS. we want to stop
the production of tobacco products. The reason why is because it's
affecting our students ~~learn~~ learning ability. And it's killing young
lives and destroying people lungs all over the world. By banning
tobacco products one state at a time can help and save our young
student lives.

ELIJAH NAKESONE, 808-594-0400 / 4051102361 OK 12/14/15

TO: HONOLULU CITY COUNCIL

Re: Bill 46 (2023) - Flavored Tobacco Products: Training and Prohibiting the Sale of Flavored Tobacco Products within the City and County of Honolulu.

I, ELIJAH NAKESONE, strongly support Bill 46-23, banning flavored tobacco products. As a student McKinley HS, this Bill will improve student behavior and cut down on second hand smoke. This would also improve students health and support getting better grades in school. Please support bill 46.

Thomas Walker

PA. 3 8-21-23

808-304-6466

2110901161 @ 10/20/23

To: Honolulu City Council

Re: Bill 46 (2023) - Flavored Tobacco Products

Defining and prohibiting the sale of flavored tobacco

products within the city and county of Honolulu.

I hereby strongly support Bill 46-23 banning flavored tobacco

products because its addictive and keeps students from

learning in school and it's bad for your lungs and will make you

an addict for flavored tobacco. It will improve student behavior

and cut down on how much smoke and it will improve air

and health for existing and new and will improve student

learning. Please support Bill 46.

Alexandra Tijerina 808-594-0400 10/12/2006 82@K12.hi.us

TO: Honolulu City Council

Re: Bill 46 (2023) - Flavored Tobacco Products

Defining and Prohibiting the sale of flavored tobacco products within the City and County of Honolulu

I Alexandra Tijerina strongly support Bill 46-23, banning flavored tobacco products. as a student at McKinley HS, This bill will improve student behavior and cut down on second hand smoke this would also improve student's health and support getting better grades in school please support bill 46.

To: Honolulu City Council

Re: BILL 46 (2023) - FLAVORED TOBACCO
PRODUCTS: Defining and prohibiting the sale
of flavored tobacco products within the
City and County of Honolulu. I, Lucas Arre,
strongly support Bill 46-23, banning flavored
tobacco products. As a student at McKinley HS,
this bill will improve student behavior and
cut down on second hand smoke. This would
also improve student's health and support
getting better grades in school. Please
support bill 46.

8-24-25

Mckinley High School 1309 South K. St

Thayna

1350701265 (808) 730-7164

BS

I, Thayna Bayuden Strongly Support Bill 46,
Banning flavored tobacco products. As a
Student at mckinley High School, this bill
will stop students from vaping in school.
These students will do better in school and
get better grades. Please Pass this bill.

August 21, 2023
1350701405@k12.hi.us
808-594-0400

I, Rodney Foleni, strongly support Bill 46, banning flavored tobacco products. As a student at McKinley High School, this bill will stop students from vaping in school. These students will do better in school and get better grades. Please pass this bill.

LTUNGSTUA OHNO 21/2023

461. bannir - flavored tobacco products.

@ Student at MCKinley High School, Senisbill
will STOP Student from vaping in school.

2041900970 MCKinley

(808) 594-0400
August 23, 2023 1250800854@K12.hi.us

I, Samuel Strongly Support 46, banning flavored tobacco products. As a student at McKinley high school, this bill will stop students from vaping in school. These students will do better in school and get better grades. Please pass this bill. Will stop student
August 21, 2023

August 21, 2023

I, Nicole Ancheta strongly SUPPORT
bill 46 banning flavored
tobacc products. As a student
at Mc Kinnley high this bill
will stop students from vaping
in school These students
and get better grades please
pass This bill.

131081292

808-594-0400

August 23, 2023
808-594-0400 3831900057@K12hi.wa

I, Lloyd (Luis) A Browning,
Strongly Support Bill 46,
Banning flavored tobacco products.
As a student at McKinley
High School this bill will
stop students from vaping in school.
These students will do better
in school and get better grades.

Please pass this bill.

August 23, 2023

1250500724@K12 hi.us (808) 594-0400

I, Dominic Chun, strongly support Bill 46, banning flavored tobacco products. As a student at McKinley High School, this bill will stop students from vaping in school. These students will do better in school and get better grades. Please pass this bill.

McKinley High School
ELA Students Testimonies

Bill 46

The ban of flavored tobacco products

August 23, 2023

Honolulu City Counsel

2:30pm

Nani Baker (808)594-0400
1110901964@k12.hi.us

To: Honolulu City Council:

I support the ban of flavored tobacco products. We know it's dangerous for all of us to use. It gets teenagers hooked. It makes it likelier they will be addicted to their daily routine to keep buying and damaging their body. Also makes it hard to quit and just keep vaping. Not only that there's a chance you could die earlier than you expected. For all these reasons I support the ban.

Hinave Matangi 808-594-0400
1311101148@k12.hi.us

To: Honolulu City Council:

I support the ban of flavored tobacco products. It is crucial to protect young people from the attractive flavors that make these products more appealing and increase the risk of youth initiation and addiction. Banning flavored tobacco products helps address health disparities by preventing these products towards minority and low-income communities, reducing their disproportionate exposure to the harms of tobacco use. Implementing a ban on flavored tobacco products has proven to be effective in reducing youth tobacco use and overall public health outcomes, making it a necessary step in promoting and safeguarding the well-being of the population.

Trey Tomishima 808-594-0400

2901001436@k12.hi.us

To: Honolulu City Council

I would support to ban the flavored tobacco products because it will give you health problems and probably would have to go to the hospital. The sale of flavored tobacco products is a very expensive habits so I people should try and avoid starting a very bad decision. The advertisements that these companies are using make appealing to young people to try the products. It is very dangerous when a child starts using the tobacco products it becomes a lingering problem. For these reason I support the band on flavored tobacco products

Ratino Vitale 808-594-0400
1331300948@k12.hi.us

To: Honolulu City Council

I support the ban of flavored tobacco product because flavor tobacco are considered tobacco products because most of them contain nicotine which comes from tobacco Besides nicotine, e-cigarettes can contain harmful and potentially harmful ingredients, including ultrafine particles that can be inhaled deep into the lungs.

Zayden Wells-Gould 808-594-0400
1421200021@k12.hi.us

To: Honolulu City Council

I support the bill f i think that smoking is very bad and i feel like people only smoke vapes because of the flavor and for one it can cause lung disease which does not sound very fun and it can als have an excess buildup of fluid in your lungs which can cause cancers of types and no one really knows what's inside and nicotine poisoning can cause long term damage to one's self and overtime you can build a very bad habit which can cause a premature death.

Brian Cruz 808-594-0400
1020901238@k12.hi.us

To: Honolulu City Council

Flavored Tobacco Testimony

I support the ban of flavored tobacco products because it is bad for their health. Flavored tobacco looks good, but not good for people's lives. It can lead to lung cancer, chronic bronchitis, and emphysema. It is too addictive for young adults. Nicotine can cause young adults to be addictive and it's not safe. It could be dangerous for their life. People can die if they smoke too much. So we will let the flavored tobacco products be banned.

Inoue-Lopez, Christopher Y 808-594-0400
1111200680@k12.hi.us

To: Honolulu City Council

I'm neutral about the ban of flavored tobacco products because this is not my problem nor do I even associate with such because I have no point to.

I'm neutral about the ban of flavored tobacco products because I could genuinely care less about the well-being of others who do or do not support the ban. Their health is not of my concern at all, only theirs, and their actions are their consequences, not mine.

I'm neutral about the ban because it's their life not mine. I'm not paying for the smoking products, they are.

Hervin James 808-594-0040
1121001944@k12.hi.us

To: Honolulu City Council

I support the ban of Tobacco because it can damage people's lungs and kill them and it contains bad chemicals that will block your airways and cause you to pass out.

Another reason why I support this is because Tobacco can take a toll on your health mentally and physically. Tobacco can also damage your brain and can cause an addiction to buy more.

Final reason why you should support the ban of Tobacco is because you should take care of your health and well-being and always quit if you take it.

Rouvic B Quibuyen 808-594-0040
1171200957@k12.hi.us

To: Honolulu City Council

Bill To Ban Flavored Tobacco Product

I support the ban for flavored tobacco because it is bad for your health. The effects of tobacco such as bad breathing, Fatigue and a decrease in energy, Reduction in the senses of taste and smell, coughing and shortness of breath. Tobacco will damage your lungs, heart, blood vessels, reproductive organs, mouth, skin, eyes, and bones. This will also affect athletic performance.

Tobacco can also affect the brain to think slowly. This would affect students at school due to lack of responses in the brain to do the work in school. It also increased rates of anxiety, panic attacks, depression, suicide attempts and schizophrenia. Tobacco can also lead to addiction because it causes mood altering changes to the brain that can temporarily feel good. This would also increase the risk of developing psychiatric disorders and cognitive impairment in later life.

Life expectancy decreases by 13 years on average for heavy smokers compared to people who have never smoked. According to google "It is estimated that More than 480,000 deaths annually 278,544 deaths annually among men 201,773 deaths annually among women ". Researchers discovered that smokers showed an accelerated rate of aging through to age 55 years regardless of sex. If a lot of young adults do tobacco then their offspring will have side effects from this.

Leumas Walker-Aleki 808-594-0400
2110901161@k12.hi.us

To: Honolulu City Council

I am neutral about the flavored tobacco products because it can be unhealthy for your body, it can damage your lungs, make your body weak, make you addicted, and if you are a child and going to school it can distract you from learning and will have you behind on work. It can also be a good thing for taxes and it can have a soothing effect on your body.

To: Honolulu City Council

I support the ban of flavored tobacco products. I support the ban of flavored tobacco products because it's like drug, and like a drug you become addicted to it, and something for these tobacco products and vape products you will become addicted to it. And like the article said "More than 30% of high school students in the state regularly use electronic smoking devices, these devices, the bill states, have been linked to severe lung disease, potential harm to brain development and acute nicotine poisoning." Another reason why I am supporting this ban is because these parents are not watching their child/students, they are not keeping their kids in check.

**Testimony before the Committee on Housing, Sustainability and Health
Honolulu City Council
Regarding Banning the Sale of Flavored Tobacco and Vapor Products
Lindsey Stroud, Director, Consumer Center
Taxpayers Protection Alliance
August 23, 2023**

Chairman Weyer, Vice-Chairwoman Kia‘āina, and Members of the Committee:

Thank you for your time today to discuss banning flavors tobacco and vapor products in Honolulu. My name is Lindsey Stroud and I’m Director of the Consumer Center at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government’s effects on the economy. TPA’s Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

While addressing youth use of age-restricted products is laudable, lawmakers must refrain from prohibitionist bans on both products that adults responsibly consume as well as products that may help adults quit smoking. Youth use of traditional tobacco products has reached record lows, while youth vaping has halved in recent years. Bans will force adult consumers to seek out illicit products from clandestine sources, which may cause more harm.

Key Points

- Youth vaping is declining in the Aloha State and traditional tobacco use is at record lows.
- In 2021, only 12.8 percent of Hawaii middle school students reported ever having tried an e-cigarette and 6.7 percent reported current use.
- Between 2019 and 2021, ever-use of vapor products decreased by 58.2 percent and current use by 62.1 percent among Hawaii middle schoolers.
- Among high school students, in 2021, 32.4 percent reported ever using e-cigarettes and 14.8 percent were currently using e-cigarettes.
- Between 2019 and 2021, ever-use of e-cigarettes among Hawaii high school students decreased by 32.9 percent and current use declined by 51.6 percent.
- In 2022, among middle and high school students that had used a tobacco or vape product on at least one occasion in the 30 days prior, 9.4 percent reported using e-cigarettes, 1.9 percent had used cigars, 1.6 percent has used combustible cigarettes and 1.3 percent had used smokeless tobacco products.
- According to the Center for Disease Control and Prevention’s Youth Risk Behavior Survey, vaping among U.S. high school students decreased by 45 percent, from 32.7 percent in 2019 to 18 percent in 2021.
- Youth are not using e-cigarettes because of flavors.

- In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”
- Nationally (in 2021), among middle and high school students that were currently using e-cigarettes, 43.4 percent had used them because of feelings of anxiety, stress and/or depression, compared to 13.2 percent who had cited using them because of flavors.
- In 2021, 10.1 percent of Hawaii adults were currently smoking cigarettes. More than one-fifth (21.2 percent) of adults who earned \$25,000 were currently smoking in 2021, compared to only 7.3 percent of adults earning \$50,000 or more.
- In 2021, 7.3 percent of Hawaii adults were currently using e-cigarettes, which was a 55.3 percent increase from 2017.
- In three of four states with current flavored tobacco and vape bans, smoking rates among young adults increased, while nationally, they decreased on average by nearly 20 percent.
- The illicit market is thriving on internet marketplaces from New York City to California.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2007 and 2018, smoking rates among Hawaii adults aged 18 to 24 years old declined by 39.6 percent. Since 2018, young adult smoking rates have decreased another 47.3 percent, with average annual declines of 16.8 percent.
- According to the Centers for Disease Control and Prevention (CDC), drug overdose deaths among youth aged 14 to 18 years old increased by 94 percent between 2019 and 2021, and an additional 20 percent between 2020 and 2021. Meanwhile, youth vaping decreased by 62 percent between 2019 and 2021.
- Hawaii woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

Youth Tobacco and Vapor Product Use

Despite headlines, youth use of traditional tobacco products is at record lows, while youth e-cigarette use peaked in 2019 and has steadily declined in the years since.

In 2021 (according to data from the CDC), among Hawaiian middle school students, 12.8 percent reported having ever tried an e-cigarette product, 6.7 percent reported currently using e-cigarettes, defined as having used the product on at least one occasion in the 30 days prior to the survey, and 1.8 percent reported frequently using e-cigarettes, defined as using the product 20 days or more.

Similar to national surveys, youth vaping seems to have peaked in 2019 in the Aloha State. Among middle school students, ever-use of vapor products decreased by 58.2 percent in the past two years, current use decreased by 62.1 percent, and frequent use declined by 40 percent between 2019 and 2021.

Youth use of traditional cigarettes is all at record lows. In 2021 (among Hawaiian middle school students), 7.1 percent reported having ever tried a combustible cigarette and 1.9 percent were currently smoking. Between 1999 and 2021, ever-use of combustible cigarettes declined by 82.9 percent and current use by 84.6 percent.

Youth e-cigarette and combustible cigarette use is down among Hawaiian high school students as well.

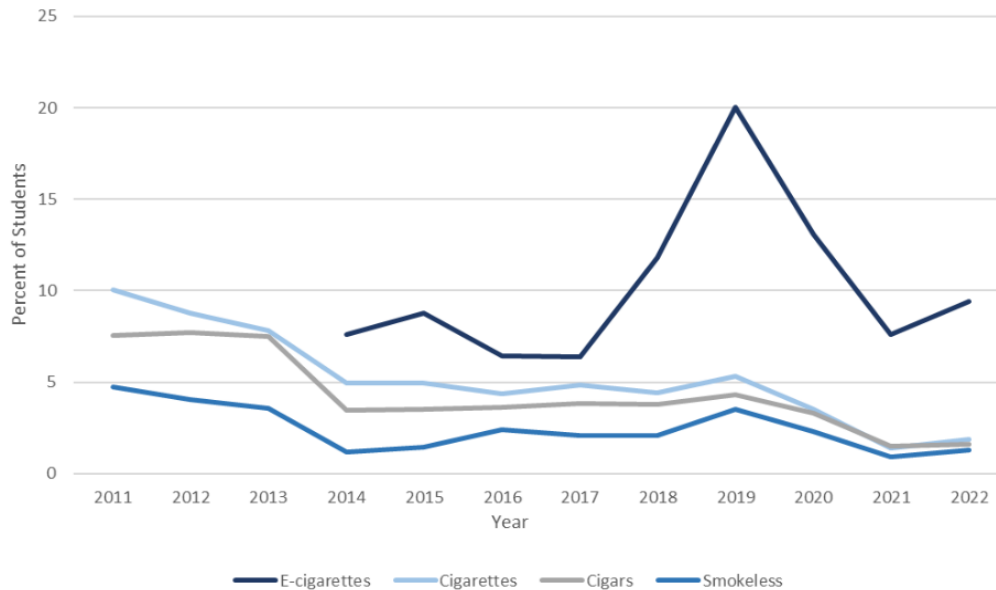
In 2021, among Hawaiian high school students, 32.4 percent reported ever using an e-cigarette, 14.8 percent reported current use, and 6.4 percent reported frequent use. Between 2019 and 2021, ever-use of e-cigarettes among Hawaii high school students decreased by 32.9 percent, current use declined by 51.6 percent, and frequent use by 38.5 percent.

Similarly, the use of combustible cigarettes is also down. In 2021, 13.3 percent of Hawaiian high school students reported ever-trying a cigarette and 3 percent reported current use. Between 1993 and 2021, ever-use of combustible cigarettes among Hawaiian high schoolers declined by 79.7 percent and current use by 89.4 percent.

In 2022, according to the National Youth Tobacco Survey (NYTS), among middle and high school students that had reported current tobacco product use (defined as having used the product on at least one occasion in the 30 days prior), 1.9 percent had used cigars, 1.6 percent had used combustible cigarettes and 1.3 percent had used smokeless tobacco products.¹ These are some of the lowest levels recorded. In fact, in the 10 years between 2012 and 2022, current cigar use declined by 75.3 percent, cigarette use by 81.7 percent and smokeless tobacco use by 67.9 percent. These declines have come all the while flavored tobacco and vapor products remain available for sale.

Regarding vaping use (according to the NYTS), vaping seems to have peaked in 2019 when 20 percent of middle and high school students had used an e-cigarette in the 30 days prior to the survey. In 2022, only 9.4 percent of U.S. youth were currently vaping, a 53 percent decrease from 2019's levels.

Current Tobacco and Vape Use
Middle and High School Students
National Youth Tobacco Survey



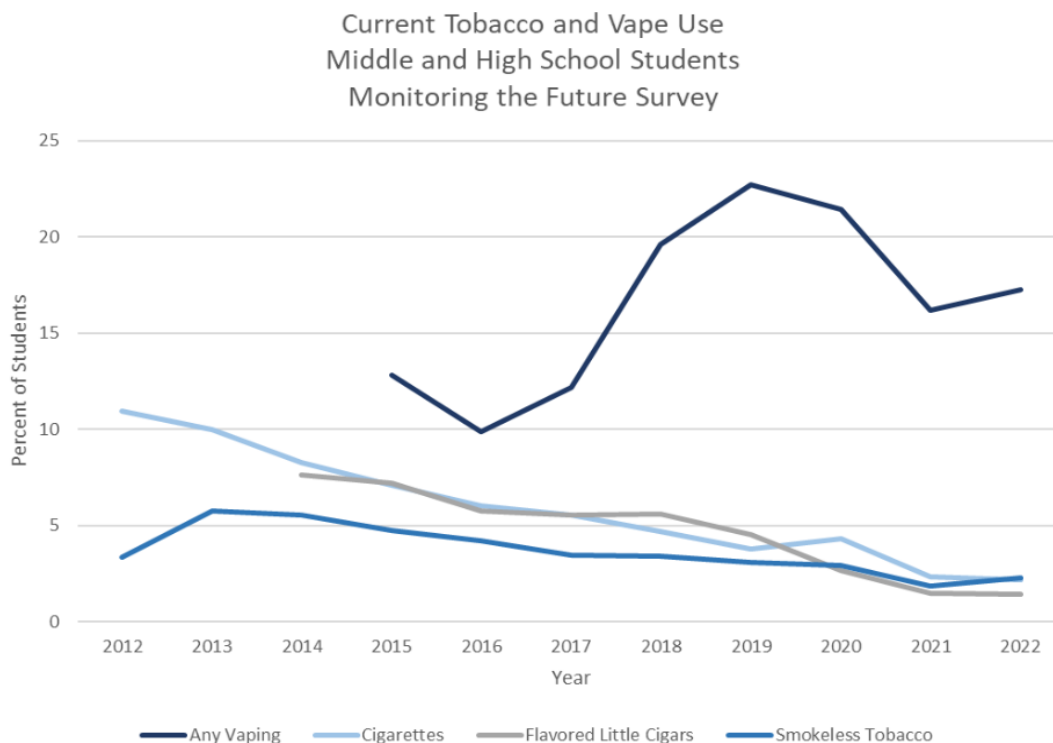
**Data collection on e-cigarette use did not begin until 2014

Other national survey data has found significant declines in youth use of tobacco and vapor products. In 2022, according to the Monitoring the Future Survey (MTFS), among middle and high school students, 2.3 percent reported currently using smokeless tobacco, 2.2 percent reported current combustible cigarette use, and 1.4 percent reported using flavored little cigars.² Again, these are some of the lowest levels recorded. In 2012, more than one in ten (11 percent) U.S. youth reported current cigarette use. In ten years, smoking rates among U.S. youth declined by 78.7 percent. During the same period smokeless tobacco use among youth decreased by 59.6 percent. Between 2014 and 2022, the percent of youth reporting current use of flavored cigars declined by 81.2 percent.

Similar to the NYTS, the MTFS also found that youth vaping peaked in 2019 when 22.7 percent of U.S. youth reported “any vaping” – i.e., using a vapor product to vape either nicotine or other substances. Between 2019 and 2022, the percent of youths reporting any vaping decreased by 23.9 percent.

The CDC continues to delay publishing state-specific data from the 2021 Youth Risk Behavior Survey (YRBS). However, nationally, only 18 percent of high school students reported using vapor products in the 30 days prior to the survey in 2021.³ This is a 45 percent decrease from 2019 when 32.7 percent of high schoolers reported current vapor product use.

As the YRBS is an aggregate of all state data, Hawaii lawmakers should refrain from prohibitionist policies to address outdated figures on youth vapor product use in the state.



**Data collection on vaping did not begin until 2015; data collection on flavored little cigars did not begin until 2014

Youth Are Not Using E-Cigarettes Because of Flavors

National and state surveys consistently find that youth are not overwhelmingly using e-cigarettes because of flavors.

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”⁴

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.⁵

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”⁶ Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend

or family member used them.”⁷ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”⁸

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”⁹

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.¹⁰

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.¹¹

This state data is representative of even more recent national survey data. According to the 2021 NYTS, among middle and high school students that reported current e-cigarette use, 43.4 percent cited using them because they were “feeling anxious, stressed, or depressed,” compared to only 13.2 percent who cited using them because they were available in flavors.¹²

Among students that reported having ever tried an e-cigarette, 57.8 percent cited using them because a friend uses them, compared to 13.5 percent who cited the availability of flavors.

Reasons for first e-cigarette use			
National Youth Tobacco Survey, United States, 2021			
		Among ever e-cigarette users	Among current e-cigarette users
A friend [used/uses] them		57.8	28.3
I [was/am] curious about them		47.6	10.3
I [was/am] feeling anxious, stressed, or depressed		25.1	43.4
To get a high or buzz from nicotine		23.3	42.8
A friend family member [used/uses] them		18.6	8.7
I [could/can] use them to do tricks		16.5	20
They [were/are] available in flavors, such as menthol, mint, candy, fruit, or chocolate		13.5	13.2
I [could/can] use them unnoticed at home or at school		10.8	13
They are less harmful than other forms of tobacco such as cigarettes		8.3	10.3
They [were/are] easier to get than other tobacco products, such as cigarettes		4.8	6
I've seen people on TV, online, or in movies use them		4.5	2.9
To try to quit using other tobacco product, such as cigarettes		2.5	4.6
They cost less than other tobacco products, such as cigarettes		2.2	4.7
Some other reason		10.6	19.5

If lawmakers want to address youth vaping, they must understand why youths are vaping.

Flavor Bans Do Not Address Growing Mental Health Crisis Among Youth

While lawmakers have turned their attention towards youth vaping, they have seemingly ignored a growing mental health crisis among Hawaiian and American youth.

For example, according to the *2022 Kids Count Data Book* from the Annie E. Casey Foundation, the percentage of Hawaii youth aged three to 17 years old that had ever been diagnosed with anxiety or depression by a medical profession increased by 22 percent from 4.8 percent in 2016 to 5.9 percent in 2020.¹³

According to a summary report of the results from the 2021 Youth Risk Behavior Survey found that 42 percent of American high school students that felt sad or hopeless for “almost every day for [two] or more weeks in a row that they stopped doing some usual activities,” which was a 14.1 percent increase from 2019, as well as being the highest rate recorded.¹⁴

Again, youth cited using e-cigarettes because of self-medicating their feelings of anxiety,

depression and/or stress, yet, according to the 2021, while feelings of hopelessness increased, youth vaping decreased by 45 percent.

Adult Tobacco and Vape Use

In 2021, 83,012 adults (or 7.3 percent) of Hawaiians aged 18 years or older were currently using e-cigarettes or vaping products.¹⁵ Current use is defined as having used the product on at least one occasion in the 30 days prior to the survey. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaii adults were current e-cigarette users. There were approximately 30,353 more adult e-cigarette users in 2021 than in 2017.

Among Hawaii adults currently using e-cigarettes in 2021, 35.7 percent were 18 to 24 years old, 51.9 percent were 25 to 44 years old, 10 percent were 45 to 64 years old, and 2.4 percent of current e-cigarette users in Hawaii in 2021 were 65 years or older. Among adult e-cigarette users in Hawaii in 2021, 64.3 percent were 25 years or older.

Among all adults earning \$25,000 annually or less in 2021, more than one fifth (21.2 percent) reported currently smoking, compared to only 7.3 percent of adults who earned \$50,000 or more per year.

In Hawaii, Native Hawaiian and/or Pacific Islander adults reported smoking at a greater percentage of their identified race at 17.5 percent. This is compared to 15.6 percent of Hispanic adults, 13.2 percent of Multiracial adults, 7.8 percent of White adults, and 6.8 percent of Asian adults.

Yet, Asian adults made up a significantly larger percentage of Hawaii's total adult smoking population. In 2021, Asian adults accounted for 27.7 percent of the state's current smoking population, compared to Native Hawaiian and/or Pacific Islander adults, who made up 18.6 percent of the current adult smoking population. White adults accounted for 18.9 percent of the state's current adult smoking population, Multiracial, non-Hispanic adults accounted for 20.2 percent, and Hispanic adults made up 14.5 percent of Hawaii's adult smoking population in 2021.

The CDC provides data on adult e-cigarette use for only 2016, 2017, and 2021.

In 2021 (among all Hawaii adults), 7.3 percent were currently using e-cigarettes. This is a 55.3 percent increase from 2017 when 4.7 percent of Hawaiian adults were current e-cigarette users.

In 2021 (among all Hawaii adults), 24.5 percent of 18- to 24-year-olds, 11.2 percent of 25–44-year-olds, 2.4 percent of 55–64-year-olds, and 0.7 percent of adults aged 65 years or older were currently using e-cigarettes.

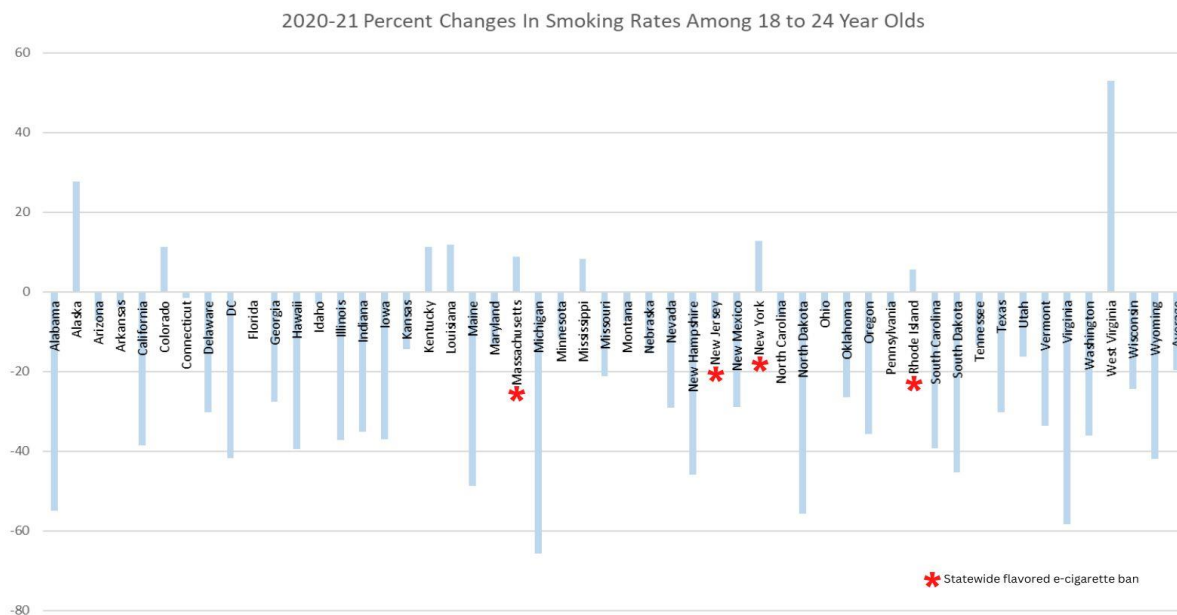
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Among adults earning \$15,000 or less, 7.9 percent reported current e-cigarette use, compared to 4.8 percent who reported earning \$50,000 or more.

In Hawaii, 10.7 percent of Multiracial, non-Hispanic adults, 10.5 percent of Native Hawaiian and/or Pacific Islander adults, 10.2 percent of Hispanic adults, 7.4 percent of Black adults, 6.1 percent of White adults, and 5.1 percent of Asian adults were currently using e-cigarettes in 2021.

Effects of Current Flavor Bans

As of January 2023, five states have active statewide bans on the sale of flavored vapor products, including two states which have also banned the sale of flavored traditional tobacco products. Opponents claim that prohibition will work to reduce smoking and thus liberate resources for states due to reduced health care costs attributed to smoking. Yet, evidence from existing states find flavor bans correlate with increases in young adult smoking, all the while states lose revenue and neighboring ones profit.¹⁶



In 2021, 14.4 percent of American adults were currently smoking. This is a 7.1 percent decrease from 2020's 15.5 percent. Among young adults (aged 18 to 24 years old), a miniscule 7.4 percent were current smokers.

Among all states (minus Florida), smoking rates among adults aged 18 to 24 years old decreased by 19.7 percent on average between 2020 and 2021. Only nine states saw young adult smoking rates increase during the same period. Alarming, three of those states are home to flavored e-cigarette bans and lawmakers should avoid pushing prohibitionist flavor policies forward.

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In Massachusetts, 7.4 percent of 18- to 24-year-olds were current smokers in 2021. This is an 8.8 percent increase from 2020's 6.8 percent. In New York, young adult smoking rates increased by 12.7 percent from 5.5 percent in 2020 to 6.2 percent in 2021. In Rhode Island, between 2020 and 2021, smoking rates among young adults aged 18 to 24 years old increased by 5.7 percent. Of the then-four states with active flavored e-cigarette bans, only New Jersey saw a reduction (6.8 percent) in young adult smoking rates. This is significantly lower than the average rate of reduction among all U.S. young adults.

Flavored tobacco bans have also failed to meaningfully reduce smoking rates while significantly reducing cigarette tax revenue and transferring it to other states.

The Massachusetts flavored tobacco and vape ban went into effect in 2020. Between 2020 and 2021 state excise tax revenue decreased by 22.3 percent, representing a loss of over \$106 million. Meanwhile, smoking rates among all adults only decreased by 4.5 percent (11.1 percent of adults in 2020 to 10.6 percent in 2021).

Neighboring New Hampshire saw an 11.5 percent reduction in adult smoking rates between 2020 and 2021, yet cigarette excise tax revenues increased by 14.4 percent during the same period.

Given the poor effects of flavored tobacco bans on young adult smoking and the failed experiment in Massachusetts, lawmakers should refrain from restricting the sales of flavored tobacco and vapor products.

In Thriving Illicit Market, Unregulated Products Harm Users

Flavored tobacco and vape product bans only punish responsible retailers while incentivizing clandestine actors to engage in new illicit marketplaces. Unregulated tobacco and vapor products pose a risk to all consumers, both youth and adults. Nonetheless, consumers have indicated they would seek out illicit products should their product of choice be banned, and there are already rogue sellers using online marketplaces to sell these unregulated products.

One study examining a possible menthol ban found that at least 25 percent would “find a way to buy a menthol brand.”¹⁷ An experiment which examined current e-cigarette users under a hypothetical flavor ban found that banning “vaping products from the marketplace may shift preference towards purchasing vaping products in the illegal marketplace.”¹⁸ An international survey of vapers from Canada, the United Kingdom and the United States found that over one-fourth (28.3 percent) “would find a way to get their banned flavor(s).”¹⁹



There is already a booming marketplace online. The examples are relatively easy to find. A Craigslist ad in New York City offers for sale a variety of flavored e-liquid products, from peach to cotton candy.²⁰ The seller informs the potential customer to “[i]nteract with [them] the same way [one] would a sales person.” Alarming, this seller is not interested in providing potential customers with information regarding the products that they may be consuming, noting that any

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questions about their “cost, date purchased, where purchased, why selling is no one’s concern.” In California, which recently enacted a ban on flavored tobacco and vapor products, “menthol man” is offering to deliver menthol cigarettes for \$15 a pack.²¹

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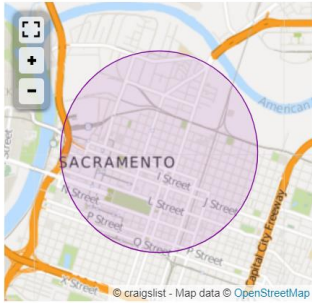
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There is also an even larger international market of counterfeit vapor products, with officials in numerous countries attempting to stem their flow.

In January 2021, the FDA worked with other federal agencies and seized 42 shipments of counterfeit disposable vapor products from China.²² In March 2021, Customs and Border Protection officers in Chicago seized \$1.5 million in counterfeit vapes.²³

In 2022, officials in Australia, China, Singapore and the United Kingdom have all reported massive seizures of counterfeit vapor products.^{24 25 26 27} The illicit products are so prevalent that

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a vapor product company has been actively working with government officials in China and has successfully shut down more than 20 factories manufacturing counterfeit vapes.²⁸

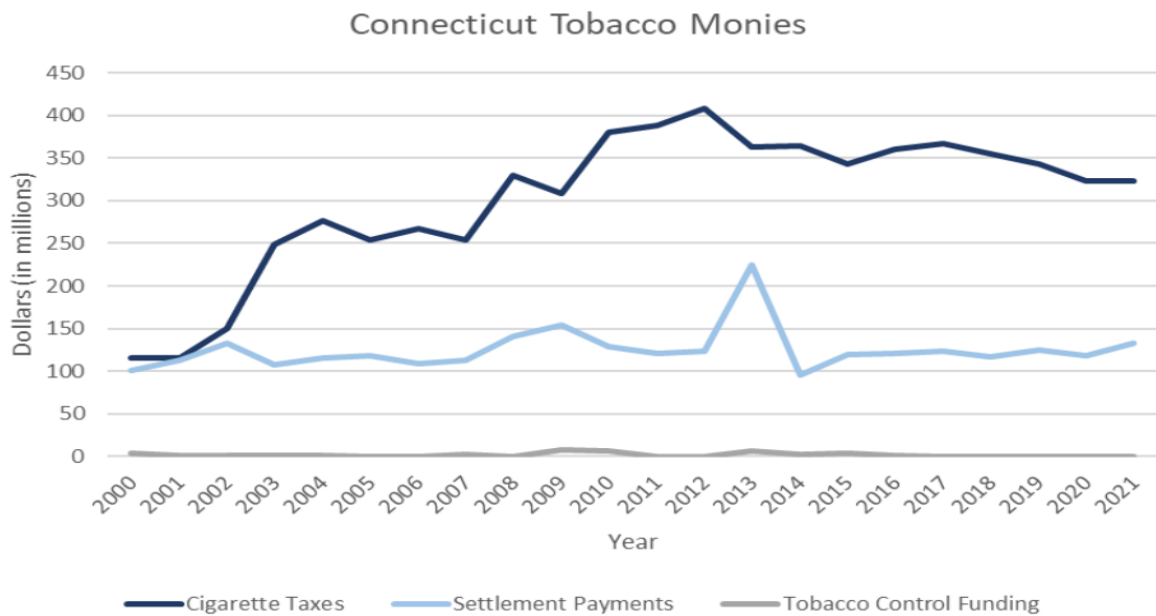
Tobacco Monies

Each year, states receive billions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2021, the Aloha State collected nearly \$98.1 million in state excise tax revenue from combustible cigarettes.²⁹ This was a 4.2 percent decline from 2020's \$102.4 million. Between 2001 and 2021, Hawaii collected more than \$2.1 billion in cigarette taxes.

Since 2000, Hawaii has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Hawaii collected \$37.5 million in settlement payments in 2021, a 6.2 percent increase from 2020's \$35.3 million.³⁰ Since 2000, the Aloha State collected nearly \$997 million in tobacco settlement payments.

While Hawaii collected an estimated \$135.6 million in tobacco-related monies in 2021, the state allocated only \$7.9 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 23.4 percent increase in funding from 2020 levels.³¹ This amounts to 8.1 percent of taxes and 21.1 percent of settlement payments. In 2021, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



Conclusion

Lawmakers must refrain from prohibitionist policies that will only drive adult consumers to an underground market, exposing users to possibly harmful, unregulated products. Given the significant reductions in youth use of e-cigarettes, as well as the record lows in use of traditional tobacco products, bans on the sales of flavored tobacco and vapor products are not necessary. Rather, policymakers should use more of the already-existing monies derived from cigarettes to prevent youth use and help adults quit.

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³⁰ Campaign for Tobacco Free Kids, “Actual Annual Tobacco Settlement Payments Received by the States, 1998-2022,” December 20, 2022, <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.

³¹ Campaign for Tobacco-Free Kids, “Appendix A: History of Spending for State Tobacco Prevention Programs,” 2022, https://www.tobaccofreekids.org/assets/content/what_we_do/state_local_issues/settlement/FY2023/Appendix-A.pdf.

Date: August 22, 2023

To: Chair Matt Weyer
Vice-Chair Esther Kia'aina
Members of the Housing, Sustainability, and Health Committee

From: Members of the University of Hawaii Student Health Advisory Council

Re: Support for Bill 46-23, Relating to Flavored Tobacco Products

Hearing: Wednesday, August 23 at 2:30PM Via Videoconference

Thank you for the opportunity to submit testimony in SUPPORT of Bill 46-23 which would prohibit the sale and distribution of flavored tobacco products including menthol.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Volcano and other popular electronic smoking devices, it is increasingly clear that these products are causing a whole generation of youth to develop a harmful addiction. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Menthol should also be banned as it masks the harmfulness of tobacco and is one of the most popular flavors among youth. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes. Banning the sale of flavored and menthol tobacco products will help with the health issues disproportionately affecting those in lower socioeconomic status and people of color.

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products including menthol in the City and County of Honolulu.

Mahalo,

Student Health Advisory Council



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

August 23, 2023

The American Heart Association supports the intent of Bill 46, "Relating to Flavored Tobacco Products," but encourages that the amendments offered by the Coalition for a Tobacco-Free Hawaii be incorporated into the bill.

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.

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.

Flavors, including candy, mint, menthol, and fruit flavors, 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. Further, e-cigarette and vaping product use is associated with other substance use and abuse, including alcohol and cannabis.

E-cigarettes and traditional tobacco products contain addictive nicotine and toxic chemicals that may have adverse effects on their cardiovascular system and their overall health. 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. They 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.

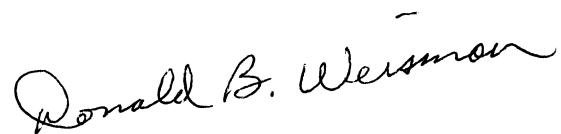
People experiencing nicotine addiction may feel increased levels of irritability, anxiety and depression that can only be relieved by taking another hit of nicotine. These symptoms are reported in Hawaii's youth by our teachers who find their students who use e-cigarettes to be increasingly uncontrollable, abusive, and disruptive in their classrooms when denied their ability to leave the classroom for a "hit."

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.

The 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.

We respectfully encourage Honolulu Councilmembers to provide our communities the same protections that the states of California, Massachusetts, New Jersey, New York, and Rhode Island, along with 360 other counties and communities' governing bodies nationwide have provided to their constituents by restricting the sale of flavored tobacco products—including menthol.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive, flowing style with a horizontal line above the name.

Donald B. Weisman

Government Relations/Communications and Marketing Director

Aloha Chair Weyer and the Members of the Housing, Sustainability, and Health Committee,

My name is Michael Paul, and I am a tobacco treatment counselor in Honolulu. I strongly support the passage of Bill 46 to end the sale of flavored tobacco products, especially menthol. The flavors added to vapes (e-cigarettes) are the reason many people start to use them. There is a lot of talk about flavored e-cigarettes being helpful for those who are looking to quit smoking combustible cigarettes. But in my tobacco treatment work I encounter more people who use e-cigarettes and have never smoked, than I have former smokers that have switched to e-cigarettes/vapes. And overwhelmingly these "never smokers", some of whom can't go more than five minutes after waking up in the morning without taking a hit off their vape, cite the flavors of these products as the reason they started using them. With brands having names like "Aloha Sun" and carrying flavors such as "Lilikoi Passion" and 'Pass-O-Guava Nectar", it's no wonder kids and young adults are tempted to try them. One out of three Hawaii high school students, and 1 out of 5 middle school students uses e-cigarettes, and with the vast array of flavors available it's easy to see why.

Not only are flavors the reason why many started using nicotine products, but the flavors are what helps people stay hooked as their dependence to nicotine develops. I have frequently seen young people swapping vapes to try each other's flavors, tying a social component into a physical addiction. The point of these flavors is to make the delivery of nicotine, a highly addictive substance, more palatable to new users.

Most pernicious of all is menthol. People who smoke menthol flavored cigarettes have a more challenging time quitting smoking than those that do not smoke menthols, and tobacco companies know this. They have targeted and continue to target specific populations such as African Americans and those who are LGBTQ+, increasing health disparities in already marginalized communities.

It's not just about menthol flavored products. Menthol is added to nearly all cigarettes, not just those that are menthol flavored. Per the CDC, ["Almost all the cigarettes sold in the United States contain some natural or lab-created menthol."](#) Menthol has a cooling effect and reduces the harshness of tobacco smoke, even at levels so low that no menthol flavor is detectable. The effects of menthol do not end there. [Within the last decade research has shown that menthol, even without the presence of nicotine, can increase the number of nicotine receptors in the brain.](#) Flavored nicotine products exist for one reason, and one reason only. They are designed to be nicotine delivery systems and are aimed squarely at the young. Nicotine is the product they are selling, the flavors are merely the packaging.

Mahalo for your time,

-Michael Paul

To whom it may concern,

loganlau@stanford.edu | (808)206-6108

Aloha, my name is Logan Kekoa Lau, and I am from 'Āina Haina and am a current sophomore at Stanford University. Today, I stand in strong support of Bill 46-23.

To give a brief context, smoking, which includes e-cigarette use, is the number one cause of preventable disease and death. It is currently responsible for approximately 7 million deaths per year and is increasing tremendously, as, by 2030, it is set to kill 8 million people per year ([CDC](#)).

Thus, I believe a ban on flavored tobacco products including menthol is crucial in order to keep our Keiki (my peers) safe for generations to come. Menthol, in particular, is responsible for the minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes ([Hawai'i BRFS](#)). The consequences of this are that while nicotine and tobacco addiction are deadly for everyone, Native Hawaiians (like myself) die from lung cancer at one of the highest rates among other ethnic groups ([American Cancer Society](#)). To quantify this impact, a recent report found that 21,000 youth alive today in Hawai'i will ultimately die from a tobacco-related illness if smoking rates do not decline ([CTEK](#)). Thus, it's no wonder why it's the number one cause of death in the U.S. and the world and why the time to act is now ([CDC](#)).

With the explosion of the youth vaping epidemic in Hawai'i, coupled with the COVID-19 pandemic and the toll it has on our lungs, time is of the essence. For far too long, BIG tobacco has used illusive marketing strategies, which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market-15,586 to be exact-and little regulation involving their sale, the industry has no incentive to stop selling them ([NCBI](#)). These flavors ultimately entice younger generations and get them hooked on nicotine. This is also evidenced by the significant spending budgets that major tobacco companies allocate towards advertising. According to recent Federal Trade Commission (FTC) reports on tobacco marketing, the five largest tobacco companies spend approximately \$8.4 billion per year, which equates to over \$23 million every day, to promote their products, and entice young kids ([FTC](#)). However, as outrageous as that figure may sound, nothing garners more disgust than when Lorillard Tobacco-now Reynold American the 2nd

largest tobacco company in the U.S.-exec TL Archey said “The base of our business is the high school student.” That said, it’s no wonder that 95% of smokers start before the age of 21 ([NCBI](#)).

To make matters worse, BIG tobacco focuses its marketing efforts on low-income areas that are economically vulnerable. Simply put, they exploit the health and wellbeing of their users in the pursuit of personal gain. Sales representative from R.J. Reynolds Tobacco said it best, “We don’t smoke that sh*t. We just sell it. We reserve the right to smoke for the young, the poor, the black and stupid” (The Times). This, in and of itself, is a social justice issue. And because of this, tobacco use and tobacco-related illnesses have been affecting Hawai‘i’s communities disproportionately. Strategic targeting and aggressive marketing by the tobacco industry, which for years has labeled Hawai‘i as “the menthol State,” is a major factor in Hawai‘i’s youth e-cigarette use, increasing for both high school and even middle school students. In fact, In Hawai‘i, one in three high school students and one in five middle school students report “current use” of e-cigarettes, thus contributing to the fact that e-cigarette use is the highest among Native Hawaiian and Pacific Islander youth like myself ([YRBS](#)). Truly, we are in the midst of a youth vaping epidemic, and the targeted marketing by these tobacco empires are to blame ([NCBI](#)).

If this bill is passed, I hope to see a significant decrease in the number of teens using e-cigarettes which will hopefully spell the end of the youth vaping epidemic and will protect my peers who are already facing a global pandemic.

In closing, I’d like to share a personal story of a high school student that gets addicted to vaping via flavored tobacco products, more specifically menthol. This soon grows into a much larger nicotine addiction which leads to the use of other drugs. Nicotine rewires the brain making users more likely to use and become addicted to other drugs, and this is exactly what happened. The nicotine addiction soon turns into a harder drug addiction, and while this student graduates and goes on to USC, within a matter of months, they are expelled and sent back home because of their drug addiction. But the story doesn’t end there. They now have a prison record and live on the streets. This, someone, was a very close family friend of mine. Thus, I am writing this today to ensure that this can never happen to anyone else. Thank you.

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Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: August 21, 2023

To: Matt Weyer, Chair
Esther Kia'Aina, Vice Chair
Members of the Housing, Sustainability & Health Committee

Re: Support for Bill 46 Relating to Flavored Tobacco Products

Mtg: Wednesday August 23, 2023, 2:30PM

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. We want to thank the Council and this Committee for considering such an important and timely policy. We do recommend amendments to create clarity both in the definition of "flavored tobacco product" as well as in regard to some of the other language.

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.

To best address the vast number and variety of flavored tobacco products on the market, using the term "flavored tobacco product" and including "a cooling or numbing sensation distinguishable by an ordinary consumer during the consumption of such tobacco product," as part of the definition as well as adding "or that imparts a cooling or numbing sensation" to the term "Presumption of flavor" will create clarity to which products are being identified. Furthermore, under the "Administrative Penalty" section including the phrase "The Retailer is responsible to pay" will make it clear as to which party is responsible to pay the administrative fine. The line-by-line language has been sent to the committee chair's office.

By passing this legislation, with the recommended amendments, 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 this matter and our testimony. We are in strong support of the measure with the recommended changes for this important 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.

August 23rd, 2023

Dear Councilmembers,

The Campaign for Tobacco-Free Kids **strongly supports Bill 046** to end the sale of flavored tobacco products in the City and County of Honolulu.

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are pleased to submit this letter in support of a ***comprehensive*** ban on the sale of flavored tobacco products in the city and county of Honolulu to reduce tobacco use, particularly among youth. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

We understand that this bill would not take effect unless the state repealed the preemption on tobacco sale regulation by the counties. The counties of Hawai'i have a long history of enacting tobacco control before the state takes action and we hope that the state will allow the counties to resume their role in protecting their residents against pernicious actors like Big Tobacco.

While Hawai'i has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Hawai'i and the nation, killing 480,000 Americans annually, including 1,400 in Hawai'i. **As you discuss policy options, we stand with dozens of other national health organizations to urge you to end the sale of *all* flavored tobacco products including *candy-flavored e-cigarettes, sweet-flavored cigarillos, menthol cigarettes, and hookah products.***

Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Hawai'i from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Eight out of ten youth who have ever used a tobacco product started with a *flavored* product.¹**

¹ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.² Menthol cigarettes comprised 37 percent of the market in 2020.³

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors – like mango, blue razz, pink punch and mint for e-cigarettes and chocolate, watermelon, and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry's ice cream store.

Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."⁴ The 2021 National Youth Tobacco Survey found that 70.3% of middle and high school students—17.77 million youth—had been exposed to e-cigarette advertisements from at least one source.⁵

Sales of cigars (i.e., large cigars, cigarillos, and small cigars) have more than doubled between 2000 and 2020, and much of the growth is attributable to smaller types of cigars, many of which are flavored and inexpensive.⁶ Nielsen convenience store market scanner data showed that over half (53.3%) of cigar sales in 2020 were for flavored cigars. Among flavored cigars sold in

² Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.

³ U.S. Federal Trade Commission (FTC), Cigarette Report for 2020, 2021, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2020-smokeless-tobacco-report-2020/p114508fy20cigarettereport.pdf> [data for top 4 manufacturers only].

⁴ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: 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, 2016.

⁵ Gentzke, A, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2021," *MMWR* 71(5): 1-29, March 10, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>.

⁶ U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB), Tobacco Statistics.

these stores in 2020, the most popular flavors were sweet or candy (30.6%) and fruit (29.5%).⁷ Earlier data show the number of unique cigar flavor names more than doubling from 108 to 250 over the same time period.⁸ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.⁹ These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹⁰

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use.

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that **eight out of ten of kids who have ever used tobacco products started with a flavored product.**¹¹ Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Nationally, e-cigarettes have been the most commonly used tobacco product among youth since 2014. Today, youth e-cigarette use remains a serious public health concern, with over 2.5 million youth, including 14.1% of US high schoolers, reporting current e-cigarette use in 2022, according to the National Youth Tobacco Survey (NYTS).¹² According to the 2019 Hawai'i Youth Risk Behavior Survey, 30.1% of Hawai'i high school students and 17.7% of middle school students are current e-cigarette users.¹³

⁷ Delnevo, CD, et al. "Cigar Sales in Convenience Stores in the US, 2009-2020," *JAMA* 326(23):2429-2432.

⁸ Delnevo, CD, Giovenco, DP, & Miller, EJ, "Changes in the Mass-merchandise Cigar Market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1):S8-S16, 2017.

⁹ SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true.

¹⁰ National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf. Chang, CM, et al., "Systematic review of cigar smoking and all cause and smoking related mortality," *BMC Public Health*, 2015.

¹¹ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

¹² Cooper, M et al., "E-Cigarette Use Among Middle and High School Students—United States, 2022," *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

¹³ Centers for Disease Control and Prevention (CDC). 2019 High School Youth Risk Behavior Survey Data. Available at <http://nccd.cdc.gov/youthonline/>.

Kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. According to the 2022 NYTS, 46% of high school e-cigarette users reported vaping on 20 or more days/month, and 30.1% reported daily use.¹⁴ This youth addiction crisis has been fueled by the growth of high nicotine e-cigarettes—many contain as much or more nicotine as a pack of twenty cigarettes. Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.¹⁵ The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁶

Youth e-cigarette users are also at risk of smoking cigarettes. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁷ More recent research confirms this finding.¹⁸ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

In February 2020, the FDA restricted some flavors in cartridge-based e-cigarettes, but exempted all menthol-flavored e-cigarettes and left flavored e-liquids and disposable e-cigarettes widely available in every imaginable flavor, including flavors that uniquely appeal to Hawai’i’s children – like luau punch and lychee ice. New data show that the market share of these products has grown substantially and that youth quickly migrated to the flavored products that were exempt from the FDA’s policy. In 2022, 55.3% of US youth e-cigarette users reported using disposable e-cigarettes and 26.6% of users of flavored e-cigarettes reported using menthol e-cigarettes.¹⁹

While the FDA recently announced that it had denied marketing applications for certain flavored e-cigarettes, many of the flavored products most popular among kids, like Juul, are still on the market. Every day these products remain on the market, our kids remain in jeopardy.

¹⁴ Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

¹⁵ HHS, *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, CDC, Office of Smoking and Health (OSH), 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>. See also: CDC Office on Smoking and Health, “Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults,” March 2019. Accessed August 9, 2019.

¹⁶ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: 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, 2016.

¹⁷ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.

¹⁸ Berry, KM, et al., “Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths,” *JAMA Network Open*, 2(2), published online February 1, 2019; Pierce, JP, et al., “Use of E-Cigarettes and Other Tobacco Products and Progression to Daily Cigarette Smoking,” *Pediatrics*, 147(2), published online January 11, 2021.

¹⁹ Cooper, M et al., “E-Cigarette Use Among Middle and High School Students—United States, 2022,” *MMWR*, 71(40): 1283-1285, October 7, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7140a3-H.pdf>.

Because of the delays and gaps in the FDA's actions, it is critical that states and cities step up their efforts to eliminate ALL flavored e-cigarettes, as well as other flavored tobacco products. The evidence is also clear that as long as any flavored e-cigarettes – including menthol-flavored products – are on the market, kids will shift to them and we will not end this public health crisis. Hawai'i must close the gaps left by the FDA and protect our kids from these dangerous and addictive products.

Menthol Cigarettes and Flavored Cigars Increase Youth Smoking and Exacerbate Health Disparities

No other flavored product contributes more to the death and disease caused by tobacco use than menthol cigarettes. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. As the only flavored cigarette left on the market, it's also no surprise that menthol cigarettes are popular among youth. About half of youth who have ever tried smoking started with menthol-flavored cigarettes.²⁰ The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.

According to the 2019 Hawaii Youth Risk Behavior Survey, 59% of Hawaii's high school cigarette smokers and 38% of middle school cigarette smokers used menthol cigarettes.

In addition, cheap, flavored cigars – sold in hundreds of flavors like cherry dynamite, tropical twist and chocolate – have flooded the market in recent years and fueled the popularity of these products with kids. The 2022 National Youth Tobacco Survey shows that cigars are the second most popular tobacco product (after e-cigarettes) among all high school students and are especially popular among Black high school students.²¹

Tobacco companies have a long history of targeting communities with menthol marketing.

Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed

²⁰ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

²¹ Park-Lee E, et al. "Tobacco Product Use Among Middle and High School Students — United States, 2022." *MMWR* 71(45):1429–1435, November 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7145a1-H.pdf>.

disproportionately to younger smokers and Black Americans.²² Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. Nationwide, as a result of this targeting, 85% of Black smokers smoke menthol cigarettes, compared to 29% of White smokers.²³ Nationally, menthol is also disproportionately high among Asian and Hispanic smokers, LGBTQ+ smokers, smokers with mental health problems, socioeconomically disadvantaged populations, and pregnant women.²⁴

There is also evidence that the industry has targeted the Hawaiian population. In the 1980s, a marketing group strategized how to reach native Hawaiians with Kool cigarettes, a popular menthol brand. The agency recommended that Kool employ “ethnic advertising” in Hawai’i, recommending the use of models that were “fun, happy-go-lucky young people in their 20s...[who have] full social calendars and spend a lot of time outdoors at the beach... people who display what islanders call the aloha spirit.”²⁵ An assessment of tobacco advertising in Hawai’i found that Kool, a popular menthol brand, was the most heavily advertised brand across Hawai’i in the early 2000s.²⁶ The 2020 Behavioral Risk Factor Surveillance System shows that prevalence is high among ethnic groups that comprise a significant proportion of Hawaii’s population, with 79% of Filipino smokers, 78% of Native Hawaiian smokers, and 69% of Japanese smokers usually smoking menthol cigarettes.

Menthol cigarettes are a major reason why Black Americans suffer disproportionately from tobacco use. The tobacco industry’s “investment” in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.²⁷ Tobacco use is the number one cause of preventable death among

²² TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

²³ Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

²⁴ Delnevo, CD, et al., “Banning Menthol Cigarettes: A Social Justice Issue Long Overdue,” *Nicotine & Tobacco Research*, 22(10): 1673-1675, 2020.

²⁵ Anderson, SJ, “Marketing of menthol and consumer perceptions: a review of tobacco industry documents,” *Tobacco Control*, 20(Suppl 2): ii20-ii28, 2011.

²⁶ Glanz, K, et al., “Operation Storefront Hawaii: Tobacco Advertising and Promotion in Hawaii Stores,” *Journal of Health Communication*, 11(7): 699-707, 2006.

²⁷ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.

Black Americans, claiming 45,000 Black lives every year.²⁸ Tobacco use is a major contributor to three of the leading causes of death among Black Americans - heart disease, cancer and stroke.²⁹ The higher rates of some tobacco-caused diseases among Black Americans result, in part, from their greater use of menthol cigarettes, which are associated with reduced cessation.³⁰ Researchers estimate that among the Black community, 157,000 smoking-related premature deaths and 1.5 million excess life-years between the years 1980 and 2018 can be attributed to menthol cigarettes.³¹

Action to prohibit menthol cigarettes is long overdue. In 2011, TPSAC concluded that “Removal of menthol cigarettes from the marketplace would benefit public health in the United States.”³² Over a decade after TPSAC issues its report—in April 2022—the FDA issued proposed rulemaking to prohibit menthol cigarettes and flavored cigars. However, until any FDA action is finalized, states and cities should continue their growing efforts to end the sale of menthol cigarettes and other flavored tobacco products. It will take time for the FDA to finalize and implement the necessary regulations to prohibit menthol cigarettes and flavored cigars, and tobacco industry lawsuits could cause more delays. States and cities have an obligation to protect the health of their citizens and must act now to stop tobacco companies from targeting kids and other groups with menthol cigarettes and other flavored products. We can’t afford more delay in taking action to protect kids and save lives.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the

²⁸ American Cancer Society, “Cancer Facts & Figures for African Americans, 2016-2018,” 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>; American Heart Association, “African Americans and Cardiovascular Diseases: Statistical Fact Sheet, 2012 Update,” http://www.heart.org/idc/groups/heart-public/@wcm/@sop/@smd/documents/downloadable/ucm_319568.pdf; HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998, http://www.cdc.gov/tobacco/data_statistics/sgr/1998/complete_report/pdfs/complete_report.pdf

²⁹ HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998; CDC, National Vital Statistics Report, Vol. 68, No. 9. Table 10, 2019 https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf

³⁰ HHS, “Tobacco Use Among US Racial/Ethnic Minority Groups—African Americans, American Indians and Alaskan Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General,” 1998; HHS, *Reducing the Health Consequences of Smoking: 25 Years of Progress: A Report of the Surgeon General*, 2014. See also Alexander, LA, et al., “Why we must continue to investigate menthol’s role in the African American smoking paradox,” *Nicotine & Tobacco Research*, 18(S1): S91-S101, 2016.

³¹ Mendez, D and Lee, TT, “Consequences of a match made in hell: the harm caused by menthol smoking to the African American population over 1980-2018,” *Tobacco Control*, published online September 16, 2021.

³² Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011 <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

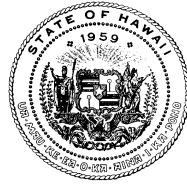
tobacco industry's aggressive efforts to hook children to a deadly, addictive product. This issue is about protecting our kids, saving lives, and advancing health equity.

Thank you for considering a strong and comprehensive policy without exemptions. This ordinance will save lives in Hawai'i.

Sincerely,

Liza Ryan Gill

Campaign for Tobacco-Free Kids, Hawaii



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**

COUNCILMEMBER MATT WEYER, CHAIR
COMMITTEE ON HOUSING, SUSTAINABILITY, AND HEALTH

Hearing Date: August 23, 2023

Room Number: Council Chambers &
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. The DOH respectfully offers amendments for clarity. 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. It is estimated that 20.7% or 6,200 high schoolers and 12% or 2,300 middle schoolers in Honolulu reported current use of ESDs.^{1,2} The unrestricted promotion of e-cigarettes has addicted a new generation of young

¹ Hawaii'i IBIS - Query Result—Hawaii'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level. (2017-2021). Retrieved August 23, 2023, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_HS_CNTY.html

² Hawaii'i IBIS - Query Result—Hawaii'i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, Middle Schools, County-level. (2017-2021). Retrieved August 23, 2023, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

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

7 Alluring flavored tobacco products continue to drive the youth vaping epidemic. Nearly
8 85% of U.S. youth who currently use e-cigarettes use flavors.⁶ The most popular flavors
9 continue to be fruit, followed by candy/dessert/sweets, mint, and menthol.⁷ Among users of
10 cartridge or pod-based e-cigarettes, over half reported using either fruit (58.4%) or menthol
11 (53.9%), followed by candy/desserts/sweets (30.3%) and mint (27.6%).⁸

12 Menthol flavors are too often exempted from tobacco control policies.⁹ Menthol is an
13 organic compound that has cooling, analgesic, and irritative properties, which can change the
14 way the brain registers the sensations of taste and pain and when in cigarettes can make harmful
15 chemicals more easily absorbed in the body.^{10,11} Menthol also facilitates absorption by masking
16 the harshness of, and making it easier to inhale, cigarette smoke. The availability of menthol
17 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 (8,500) 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. Finally, lessons learned from other states and jurisdictions realized the need to strengthen definitions to protect against future tobacco industry counteraction.²¹ Accordingly, the DOH respectfully suggests amendments offered below.

Thank you for the opportunity to testify.

¹² 8 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/Tobacco Products Scientific Advisory Committee/UCM269697.pdf](https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/Tobacco%20Products%20Scientific%20Advisory%20Committee/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. (2017-2021). Retrieved August 23, 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. (2017-2021). Retrieved August 23, 2023, from https://hhdw.org/report/query/result/yrbs/VaporCurr/VaporCurr_MS_CNTY.html

²¹ 4/7/2023—Big Tobacco Creates New “Sensation” With Same Old Playbook | Public Health Law Center. (n.d.). Retrieved August 19, 2023, from <https://www.publichealthlawcenter.org/commentary/230407/4/7/2023-big-tobacco-creates-new-sensation-same-old-playbook>

- 1 • **Offered Amendments:** In §41-_.1 “Definitions”,
 - 2 ○ Strike the term “Characterizing Flavor” and replace with “Flavored Tobacco
 - 3 Product”. Insert “; or a cooling or numbing sensation distinguishable by an
 - 4 ordinary consumer during the consumption of such tobacco product.” at the end
 - 5 of the first sentence.
 - 6 ○ Add the following definition: “Presumptive Flavored Tobacco Product. Any
 - 7 communication by or on behalf of the manufacturer or retailer of a tobacco
 - 8 product that such tobacco product imparts a taste or odor other than the taste or
 - 9 odor of tobacco, or that imparts a cooling or numbing sensation, constitutes
 - 10 presumptive evidence that the tobacco product is a flavored tobacco product.”
 - 11 ○ Under the definition for “Electronic Smoking Device”, strike the term
 - 12 “substance” and insert the phrase “e-liquid or electronic liquid”.
 - 13 ○ Strike the second definition of “Flavored Tobacco Product”, which is already
 - 14 defined above.
 - 15 ○ Under the definition of “Tobacco Product.”, item “(2)”, strike the word
 - 16 “substance” and insert the phrase, “e-liquid or electronic liquid”.
- 17 • In §41-_.2 Prohibition, part (b), after the phrase “Presumption of flavor”,
 - 18 ○ Insert “or nicotine. Any communication by or on behalf of the manufacturer or
 - 19 retailer of a tobacco product that such tobacco product imparts a taste or odor
 - 20 other than the taste or odor of tobacco, or that imparts a cooling or numbing
 - 21 sensation, constitutes presumptive evidence that the tobacco product is a flavored
 - 22 tobacco product.
 - 23 This includes but is not limited to public statements that a product has a minty or
 - 24 cooling effect, such as describing the product as ‘chill,’ ‘ice,’ ‘fresh,’ ‘artic,’ or
 - 25 ‘frost.’”

- 1 ○ Strike the sentence, “There is a rebuttable presumption that a tobacco product is a
2 flavored tobacco product if a tobacco retailer, manufacturer, or any employee or
3 agent of a tobacco retailer or manufacturer.”
- 4 ○ Under section “(1)”, strike the phrase, “imparts a characterizing flavor” and insert
5 the phrase, “is a flavored tobacco product”
- 6 • In §41-__3 Administrative Penalty, in section (1), “For the Initial Violation”,
 - 7 ○ In part (A), insert the phrase, “The Retailer is responsible to”, and change the “P”
8 in “Pay” to a lower case “p”
 - 9 ○ In part (B), strike the word “Pay”, and insert the phrase, “The Retailer is
10 responsible to pay”