

BILL046(23)
Testimony

MISC. COMM. 480

COUNCIL

COUNCIL Meeting

Meeting Date: Sep 6, 2023 @ 10:00 AM

Support: 25

Oppose: 4

I wish to comment: 2

Name: Mitzie Higa	Email: mhiga@hsta.org	Zip: 96819
Representing: Hawaii State Teachers Association	Position: Support	Submitted: Sep 1, 2023 @ 07:55 AM
Name: Colleen Fox	Email: cfox@mail.com	Zip: 96722
Representing: Self	Position: Support	Submitted: Sep 1, 2023 @ 09:57 AM
<p>Testimony:</p> <p>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.</p> <p>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.</p> <p>These flavored products don't just get the attention of kids, they attract and sustain adult users as well. Though the average ecigarette 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.</p> <p>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.</p> <p>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.</p>		
Name: Valerie Chang	Email: hicopd@gmail.com	Zip: 96821
Representing: Hawaii COPD Coalition	Position: Support	Submitted: Sep 1, 2023 @ 10:24 AM
Name: Eloise Bradham	Email: eloisebradham2@gmail.com	Zip: 96815
Representing: Self	Position: Support	Submitted: Sep 1, 2023 @ 12:55 PM
<p>Testimony:</p> <p>I strongly support Bill 46-23.</p>		
Name: Luke Itomura	Email: litomura27@punahou.edu	Zip: 96701
Representing: Self	Position: Support	Submitted: Sep 1, 2023 @ 09:27 PM
Name: Brittany McGarry	Email: onceuponanausten916@gmail.com	Zip: 96706
Representing: Self	Position: Support	Submitted: Sep 1, 2023 @ 09:33 PM
<p>Testimony:</p>		

I believe it is necessary for this bill to be passed as a way to protect the health of our youth and current generation and to stop the cycle of addiction.

I've taught 6th grade for the past four years and have personally witnessed or heard second hand about middle school students using e-cigarettes at our school or our neighboring middle school. Even though we teach about the dangers of vaping, the temptation and easy access is too hard for students to ignore. Students this age are easily swayed by peer pressure and do not have enough parental supervision to help monitor students.

I confiscated an e-cigarette from one of my students at the end of the school year. When I told parents she had it, they were shocked and upset she was using it. Although other adults and older siblings use them, they recognize that younger children should not use them. Since children still have access to e-cigarettes, it is imperative that more must be done to stop them from using.

Furthermore, lawmakers should not impose fines or other punishments on youth for vaping. Our students are the victims of predatory tactics by the tobacco/vaping industry. Focus on regulating the companies behind these products and tactics instead. Our school communities are already doing our part by confiscating products and educating students about the dangers of vaping. Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. We must include menthol when banning flavors or the ban will not work as intended.

Ending the sale of flavored tobacco will advance health equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.

Name: Johnnie-Mae L. Perry	Email: waianaenb569@gmail.com	Zip: 96792
Representing: Hawaii Pacific Health Institute	Position: Support	Submitted: Sep 2, 2023 @ 05:28 AM

Testimony:

TALKING POINTS:

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.

Name: Paul Ho	Email: hoart@mac.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Sep 3, 2023 @ 04:12 PM

Name: Caro Philips	Email: carophilips1@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Sep 3, 2023 @

		06:03 PM
<p>Testimony:</p> <p>Honorable Members of the Honolulu City Council,</p> <p>I am writing to express my strong support for the proposed legislation, Bill 46 (2023), relating to flavored tobacco products. This important legislation seeks to address the rising concerns surrounding the use of flavored tobacco products, particularly among our youth, and take necessary steps to protect public health within the City and County of Honolulu.</p> <p>Flavored tobacco products, including electronic smoking devices and e-liquids, have become a significant public health concern, particularly among our younger population. The statistics revealed by the 2019 State of Hawaii Department of Health study, showing over 30 percent of high school students in Hawaii using electronic smoking devices, highlight the urgency of addressing this issue. These devices have been linked to severe lung disease, potential harm to brain development, and acute nicotine poisoning.</p> <p>Bill 46 (2023) rightly acknowledges the tactics employed by the tobacco industry, including the use of flavors, to target and hook youth into nicotine addiction. Flavors have consistently been identified as one of the primary reasons why young individuals initiate tobacco use. By banning flavored tobacco products, we take a critical step towards curbing this dangerous trend and protecting the future health of our youth.</p> <p>Furthermore, the proposed legislation demonstrates a commitment to equity and social justice by acknowledging the historical targeting of certain communities with flavoured tobacco products, such as menthol cigarettes marketed to Black communities. A comprehensive ban on all flavours in all tobacco and nicotine products ensures that no community is disproportionately affected by the negative health impacts of these products.</p> <p>The provisions within Bill 46 (2023), such as amending definitions, implementing a presumption of flavour, and establishing administrative penalties, are well-considered and aligned with the overarching goal of safeguarding public health. By placing the onus on retailers to comply with the ban and imposing penalties for violations, the legislation takes a proactive approach to reducing the availability of flavoured tobacco products.</p> <p>As a concerned resident and advocate for public health, I urge the Honolulu City Council to support and pass Bill 46 (2023). By enacting this legislation, we send a strong message that the health and well-being of our community, especially our young population, are of paramount importance. I applaud your efforts to protect our residents and future generations from the harmful effects of flavoured tobacco products.</p> <p>Thank you for your dedication to the health and safety of our residents, especially our children.</p> <p>Sincerely,</p> <p>Carol Philips Haleiwa</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: Sep 4, 2023 @ 05:11 AM
Name: Christina Rossman	Email: rossman.mrs@yahoo.com	Zip: 96725
Representing: Self	Position: I wish to comment	Submitted: Sep 4, 2023 @ 07:41 AM
<p>Testimony:</p> <p>Please do everything that you can to ban flavored tobacco products and keep them out of the hands of our keiki. I am a high school math teacher. Math is challenging enough for students to learn without their brain being altered by drugs. The vaping is so widespread it is hard to even know where to start to tackle the problem in the schools. Banning flavored products would be a</p>		

start. Please help our keiki and our schools.

Name: Peggy Mierzwa	Email: peggy@hiphi.org	Zip: 96813
Representing: Hawaii Public Health Institute	Position: Support	Submitted: Sep 4, 2023 @ 07:28 PM
Name: Myrei Steibel	Email: Myrei.Steibel@imua.ksbe.edu	Zip: 96753
Representing: kamehameha maui HOSA	Position: Support	Submitted: Sep 4, 2023 @ 07:40 PM
Testimony: I feel that it should be banned because I don't want to worry about second hand smoke and third hand from sharing just water. Also I believe that flavored tobacco has effected our youth and even though I'm only 13 I have had other peers ask me if I wanted to do that too but I said no and I cannot smell that horrid smoke anymore it's everywhere. I don't just want this for me I want this for everyone else's well being. And at a concert people could take their kids to go for free and the whole night there was smoke in the air or being blown in your face and that is most definitely not ok for them. I want to be able to go where ever and not have the risk second hand or even third hand smoke anymore.		
Name: Cynthia Au	Email: cynthia.au@cancer.org	Zip: 96817
Representing: American Cancer Society Cancer Action Network	Position: Support	Submitted: Sep 5, 2023 @ 05:57 AM
Name: Mike Paul	Email: green.msp@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Sep 5, 2023 @ 09:45 AM
Name: Christopher Hudgins	Email: c.hudgins@air.global	Zip: 92003
Representing: National Hookah Community Association	Position: Oppose	Submitted: Sep 5, 2023 @ 10:11 AM
Name: Tina Yamaki	Email: tyamaki@rmhawaii.org	Zip: 96816
Representing: Retail Merchants of Hawaii	Position: Oppose	Submitted: Sep 5, 2023 @ 10:12 AM
Name: Pedro Haro	Email: pedro.haro@lung.org	Zip: 96813
Representing: American Lung Association in Hawaii	Position: Support	Submitted: Sep 5, 2023 @ 10:52 AM
Name: Katherine Inoue	Email: katherine.inoue@doh.hawaii.gov	Zip: 96819
Representing: Hawaii State Department of Health, Chronic Disease Prevention and	Position: Support	Submitted: Sep 5, 2023 @

Health Promotion Division		11:00 AM
Name: Sarah Haanen	Email: haanen@hawaii.edu	Zip: 96822
Representing: Student Health Advisory Council	Position: Support	Submitted: Sep 5, 2023 @ 11:04 AM
Name: Rima Khoury	Email: rima@fumari.com	Zip: 92028
Representing: National Hookah Community Association	Position: I wish to comment	Submitted: Sep 5, 2023 @ 11:24 AM
Testimony: On behalf of the National Hookah Community Association and it's members including Middle Eastern, Persian, Turkish, Armenian, Indian and North African communities that practice hookah as part of their cultural tradition, we respectfully ask for hookah to be exempted.		
Name: Alexa Wohrman	Email: alexa.wohrman@heart.org	Zip: 96813
Representing: American Heart Association	Position: Support	Submitted: Sep 5, 2023 @ 11:55 AM
Name: Shelly Ogata	Email: uglowgurl@gmail.com	Zip: 96720
Representing: Self	Position: Support	Submitted: Sep 5, 2023 @ 12:00 PM
Testimony: Aloha Chair Waters and the members of the Honolulu City Council, This is a very important piece of legislation for not just the City and County of Honolulu, but for our entire State of Hawaii. This issue affects all of us as we cannot continue to allow Big Tobacco to specifically target our Native Hawaiian keiki with enticing flavors and then allow our keiki to be blamed as victims. Mahalo for taking this important step to keep our keiki safe.		
Name: Jasmin Rios	Email: jasminmrios4@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Sep 5, 2023 @ 01:39 PM
Testimony: I do not wish for the flavor tobacco to be ban and I give a more detail testimony virtualily at the meeting.		
Name: Jaime Rojas	Email: jaime@rojascommunications.com	Zip: 91739
Representing: National Association of Tobacco Outlets	Position: Oppose	Submitted: Sep 5, 2023 @ 01:44 PM
Testimony: Jaime Rojas with National Association of Tobacco Outlets		
Name:	Email:	Zip:

Cyd Hoffeld	cyd.hoffeld@gmail.com	96720
Representing: Self	Position: Support	Submitted: Sep 5, 2023 @ 04:11 PM
<p>Testimony:</p> <p>Aloha Chair Waters and Members of the City Council,</p> <p>My name is Cyd Hoffeld, and I strongly SUPPORT Bill 046(23). Although I live in Hilo on the Big Island, I know that decisions made in Honolulu can greatly influence decisions in other Counties where we see larger numbers of youth being affected by flavored tobacco products and nicotine dependency.</p> <p>As a community health educator for a large health center, I have encountered many students who have confided in me that they started vaping because of the vast assortment of candy and fruit flavored e-liquids. Many youth were unaware of the high levels of nicotine hidden beneath the sweet and sometimes minty flavors they were consuming until they realized that they were addicted to those products. Students have told me that they often wake up in the morning and reach for their vape pen even before opening their eyes. They experience difficulty concentrating and staying on-task in school when cravings take hold of them. They recount feelings of irritability and depression when they try to quit or cannot afford to obtain more nicotine products. Those are horrible signs of addiction.</p> <p>Now, think of those cravings and levels of addiction happening to our high school students and keiki as young as 8 years old. The Tobacco Industry preys on our youngest and most vulnerable because it needs to create lifelong "consumers" aka addicts that generate multi-millions in corporate profits while costing smokers even more in disease management and healthcare usage as they age.</p> <p>I make a commitment to teach students the best behaviors to give them the greatest chances for a long and healthy life and ask you to strongly support Bill 046(23) that will keep these deadly fruit/candy and menthol-flavored products from reaching our children.</p> <p>Mahalo nunui for your consideration!</p>		
Name: Bryan Mih	Email: bmih@hawaii.edu	Zip: 96822
Representing: Self	Position: Support	Submitted: Sep 5, 2023 @ 10:30 PM
<p>Testimony:</p> <p>Aloha Chair Waters and Members of the Council,</p> <p>As a parent, pediatrician, and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill, which prohibits the sale or distribution of flavored tobacco products, including flavored e-liquids and menthol cigarettes.</p> <p>The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.</p> <p>These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.</p> <p>Hawai'i has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off</p>		

is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Honolulu County, we have the chance to improve the health of many, especially of our keiki. On behalf of the keiki and young people of Honolulu County, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP
Pediatrician

Name: Jaelyn Natividad	Email: jalize.natividad@gmail.com	Zip: 96819
Representing: Youth Council HI	Position: Support	Submitted: Sep 6, 2023 @ 04:15 AM

Testimony:

I am Jaelyn Natividad who is apart of the Youth Council HI and supports BILL046. Due to a variety of factors and experiences, banning this Bill can provide beneficial results for future generations. In my life, I have friends and family members that acquire flavored tobacco and personally it hurts. It hurts to see not only myself struggle but my younger cousins who tend struggle with the second hand smoke. Not only that but these are people I truly care about. For instance, my uncles and their kids are being affected in terms of their health. Along with my friends who think it is safe to use but really it decreases their life span and will affect them drastically as years pass. In all, I experience these people that are going through this process and I strongly encourage them to stop. However, they only believe what they choose to believe of it being a stress reliever or it not being that impactful to their bodies. But these products are not just detrimental to the user but the surrounding environment as well. With passing this Bill, we can start to view results amongst our environment, citizens and soon to be our future generations. My family members and friends will recognize the dangers of flavored tobacco and come to a realization to stop. I cannot speak from other peoples opinions, but I can speak from experience when I say that flavored tobacco will diminish our future generations and their health.

Name: Valerie Smalley	Email: Cherub42004@msn.com	Zip: 96821
Representing: Self	Position: Support	Submitted: Sep 6, 2023 @ 08:27 AM

Testimony:

Aloha Council Members

As a Certified Tobacco Treatment Specialist, I am in full support of this measure. While the focus on flavors is to prevent our vulnerable children from starting to become addicted to a product that will impact them in their youth and their future, it also is a means to help adults who were duped into thinking that transitioning to vaping would help them quit smoking.

In supporting many adults, they are now smoking cigarettes and vaping. Using flavors while vaping keeps children and adults unaware of the levels of nicotine they are using on a daily basis.

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.

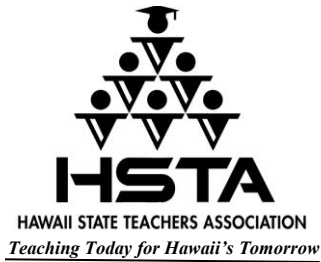
At the local level, over 360 localities restrict the sale of flavored tobacco products

Thank you.
Valerie Smalley

Name: Zhizi Xiong	Email: Alohadvinedesign@gmail.com	Zip: 96817-2707
Representing: CARES Community Advocacy Research Education Services	Position: Support	Submitted: Sep 6, 2023 @ 09:38 AM

Testimony:
CARES testifies in support.

Name: John Kirimitsu	Email: john.m.kirimitsu@kp.org	Zip: 96813
Representing: Kaiser Permanente	Position: Support	Submitted: Sep 6, 2023 @ 09:53 AM



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

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL

RE: BILL 46, CD1 (2023) – RELATING TO FLAVORED VAPING PRODUCTS

WEDNESDAY, SEPTEMBER 6, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Waters and Members of the Committee:

The Hawai'i State Teachers Association **strongly supports bill 46, CD1** relating to flavored vaping products. The bill prohibits the sale of flavored tobacco products within the City and County of Honolulu. While currently a preemption of the counties regulating the sale of tobacco has not yet been overturned, this ordinance will initiate a trigger ban on flavored tobacco products should Act 206 be overturned or suspended.

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

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

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking.

According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2023 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. **Unfortunately, this FDA flavor ban did not include vaping products. We can change that with this bill as a state and protect our youth.**

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

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

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

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

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



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

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

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

Here are some messages from some of our teachers regarding this vaping epidemic and how it is affecting learning at school, despite vaping products constantly being confiscated and students being sent to the principal, and how, they too, want our students protected.

"My son goes to a middle school in the Central O'ahu District, and at his school, the bathrooms were locked after reports of students vaping in them. The effect of that impacted everyone because no one could use them anymore."

"More than the harmful physical effects (shortness of breath, difficulties walking up the stairs, etc.), I see a lot of the negative social effects that vaping has had. When teachers take vapes away and send students to the office, they sometimes find that the vape was actually a parent's, and the parent will get mad at the teacher for confiscating it. Students have gotten into fights over vapes, and it becomes a whole

production of ‘covertly’ passing it to each other. All of this ends up hurting the students academically, because instead of focusing on the classroom material, their whole focus remains on how to get their hands on a vape pen, how to pass it to their friends, how to charge it without getting busted, and how to get their next hit. It’s such a shame that kids are able to get their hands on such addictive products from such a young age, and that they’re being marketed at kids.”

“I’m having to monitor bathrooms more. Students travel to spots that are farther from their classes to vape out of sight in more private bathrooms. They also leave the devices in there for kids from other classes to use, texting one another during class. Their addiction to nicotine is often so established, they want to leave class a few times each period, and while in class they are agitated.”

“Vaping models far too closely drug use behavior. The ‘cool’ factor is leading our kids down the wrong path to higher risk of drug abuse.”

“Because the devices are so small and look like USB flash drives, it is hard to detect if students have them. They also smell like perfume so you don’t know if it’s actually perfume or them using a vape.”

“Kids who are addicted to vaping ask to use the restroom, drink water, or go to their locker every period, and sometimes multiple times during the same period, so they can hit their puff in the hall or in secret. It’s a huge problem that results in missed class time and kids are more and more addicted to nicotine.”

“An honest conversation we have to have is why should I not vape when my family and/or friends do? If it’s so harmful, why do people do it? Additionally, on our campus, students are vaping in the classroom, but teachers don’t know or catch it because they’re unfamiliar with what a vape is. Students are bold, perhaps because vaping is easily done in public spaces—I’ve been to restaurants where people will pull them out.”

“We see suspensions all the time due to vaping, and students miss a lot of school when they’re caught. They vape in class and in all bathrooms, putting the health of others at risk as well.”

“Vaping is becoming more frequent among students from elementary to high school. It’s almost like a dare that our students think they need to try to see who can get away with using it in class without getting caught.”

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



Hawaii COPD Coalition

P O Box 240053

Honolulu, HI 96824

hicopd@gmail.com

(808)699-9839

September 1, 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

Luke Itomura
Aiea, Hawaii

August 21, 2023

Committee on Housing, Sustainability, and Health
Chair Waters
City and County of Honolulu

TESTIMONY IN STRONG SUPPORT OF BILL 46

Dear Chair Waters and the Members of the City Council,

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 POG or Hawaiian Sun are an enticing death trap. What starts as innocent curiosity can turn into a lifelong addiction filled with lung cancer, mental illness, heart disease, and stroke. 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 the City 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.
4. Ward Research. www.wardresearch.com/about-ward-research. Accessed 7 Aug. 2023.

To: COUNCIL Meeting (Sept 6, 2023)

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

Date: Sept 3, 2023

Subject: Support of BILL046(23), CD1

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



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.

Possession, use, and purchase, or PUP laws, institute monetary penalties on youth for tobacco use and are a common policy proposal the tobacco industry uses to escape accountability for their aggressive and manipulative marketing practices. These laws work to punish and stigmatize children and significantly detract from more effective tobacco control efforts. With some proposals pushing upwards of \$200 fines, the financial burden of PUP laws would inevitably pass onto the families of youth forced to pay them—and given that Native Hawaiian, Filipino, and African American youth are disproportionately impacted by e-cigarette use, instituting these policies would double down on the failed, Reagan-era War on Drugs policies that drive economic disparities along racial lines while protecting the profits of so-called “law-abiding” businesses. Addiction is not an issue to punish, nor one to “fix”. It's a consequence of an unregulated industry running rampant in communities that are already hurting the most.

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.



HIPHI Board

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Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: September 3, 2023

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

Re: Support for Bill 46 Relating to Flavored Tobacco Products

Mtg: Wednesday September 6, 2023, 10:00 AM

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.

Our community has made it clear they want this public health crisis addressed. Our young people are victims of an industry with limitless resources to ensure they hook the next generation of nicotine users. Their tactics are predatory, and they do not care about the harm they impose on society. Their goal is profit, and they will do whatever necessary, which includes requesting various exemptions to continue to make billions yearly. For example, Altria reported a revenue of \$25.096B with a payout of dividends of \$6.6B in FY2022.^{vii}

For these reasons, it is important to pass a bill with no exemptions, which leaves openings for the industry to continue to exploit any language to their advantage. This tactic is used again and again. An example is in California, where flavored shisha, tobacco smoked in hookahs, was exempted from their flavor ban law. Cupholder size hookahs, costing a mere \$15.00 and coming in a variety of bright neon colors,^{viii} are items attractive to young people who use these low cost hookahs to smoke sweet, candy flavored shisha, which is still legally sold in California. One retail site states, "[T]here is no shortage of options when it comes to hookah flavor variety. With hundreds of choices, the number of ways to combine flavors is nearly limitless."^{ix} The tobacco industry used a flavored shisha exemption to quickly support small, cheap hookahs and sweet, candy flavored shisha to continue to entice and hook young people ensuring life-long customers.

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

Thank you for considering our testimony. We are in strong support of 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.

^{vii} <https://investor.altria.com/press-releases/news-details/2023/Altria-Reports-2022-Fourth-Quarter-and-Full-Year-Results-Provides-2023-Full-Year-Earnings-Guidance-Announces-New-1-Billion-Share-Repurchase-Program/default.aspx>

^{viii} <https://thehookahlab.com/products/cup-holder-hookah>

^{ix} <https://thehookahlab.com/collections/hookah-tobacco>



American Cancer Society
Cancer Action Network
2370 Nuʻuanu Avenue
Honolulu, HI 96817
808.460.6109
www.fightcancer.org

City and County of Honolulu
Council Meeting
Hearing Date: Wednesday, September 6, 2023

ACS CAN SUPPORT with COMMENTS on Bill 46(23) – RELATING TO FLAVORED TOBACCO PRODUCTS.

Cynthia Au, Government Relations Director – Hawaii Guam
American Cancer Society Cancer Action Network

Thank you for the opportunity to SUPPORT with COMMENTS on Bill 46(23): RELATING TO FLAVORED TOBACCO PRODUCTS.

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to invest in comprehensive policies that would strengthen the health infrastructure in Hawaii to prevent kids from starting to use tobacco and help adults already addicted to tobacco to quit.

Lung cancer remains the leading cause of cancer deaths in Hawaii with an estimated 1,400 adults dying from smoking every year.ⁱ There are 21,000 keiki who are alive now that will die prematurely due to smoking-related disease.ⁱⁱ Tobacco use remains the leading preventable cause of death nationwide.

ACS CAN supports ending the sale of menthol cigarettes and all other flavored tobacco products with no exemptions.

Thank you for the opportunity to comment on this important matter. Should you have any questions, please do not hesitate to contact Cynthia Au at 808.460.6109, or Cynthia.au@cancer.org.

ⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20, 2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

ⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 20, 2023. <https://www.tobaccofreekids.org/problem/toll-us/hawaii>

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



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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
September 6, 2023**

Re: BILL 46 CD1 (2023) – RELATING TO FLAVORED TOBACCO PRODUCTS

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

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

We respectfully oppose BILL 46 CD1 (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.



HONOLULU CITY COUNCIL**Tommy Waters****Chair & Presiding Officer****Esther Kia'aina****Vice Chair****Wednesday, September 6, 2023****Testimony in Support of Bill 46, CD1 Relating to Flavored Tobacco Products**

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawai'i and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association calls on Hawai'i officials to support Bill 46, CD 1 and restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawai'i's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

It is imperative that the bill restricts all flavors of tobacco, with no exceptions, including menthol for the following reasons:

- 1. Menthol keeps the most vulnerable addicted.** Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage¹. Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco.** In a letter to the Food and Drug Administration dated January 22, 2021, the Hawai'i State Attorney General stated that menthol tobacco products "remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market."
- 3. Menthol is preferred by young people because it masks harsh flavors of tobacco.** Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine².

¹ Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. *Nicotine Tob Res.* 2018;20(6):698–706.

² Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O'Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA.* 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

The need for Hawai'i to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawai'i vape regularly. This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.³

E-Cigs are Not Cessation Devices and Do Not Reduce Harm

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

The Food and Drug Administration has not found any e-cigarette to be safe and effective in helping smokers quit. The fact is, e-cigarettes are tobacco products too. Though we still have a lot to learn about the health consequences of vaping, we are very troubled by what we've seen so far. E-cigarettes still produce a number of dangerous chemicals including acetaldehyde, acrolein, and formaldehyde⁴. As we've recently seen on the news, the inhalation of harmful chemicals can cause irreversible lung damage, lung diseases—and even death.

A recent study from the University of North Carolina found that even in small doses, inhaling the two primary ingredients found in e-cigarettes—propylene glycol and vegetable glycerin—is likely to expose users to a high level of toxins and that the more ingredients a user is inhaling, the greater the toxicity.⁵

Both the U.S. Surgeon General and the National Academies of Science, Engineering and Medicine have warned about the risks of inhaling secondhand e-cigarette emissions, which are created when an e-cigarette user exhales the chemical cocktail created by e-cigarettes. In 2016, the Surgeon General concluded that secondhand emissions contain, "nicotine; ultrafine particles; flavorings such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead."⁶

The American Lung Association in Hawai'i urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of Bill 46, CD 1.

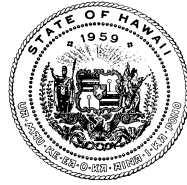
Pedro Haro
Executive Director
American Lung Association in Hawai'i
pedro.haro@lung.org

³ American Lung Association. *State of Tobacco Control – Hawai'i*. 2022

⁴ Ogunwale, Mumiye A et al. (2017) Aldehyde Detection in Electronic Cigarette Aerosols. *ACS omega* 2(3): 1207-1214. doi: 10.1021/acsomega.6b00489].

⁵ Sassano MF, Davis ES, Keating JE, Zorn BT, Kochar TK, Wolfgang MC, et al. (2018) Evaluation of e-liquid toxicity using an open-source high-throughput screening assay.

⁶ 2016 Surgeon General's Report: E-Cigarette Use Among Youth and Young Adults: <https://www.cdc.gov/tobacco/sgr/e-cigarettes/index.htm>



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of Bill 46-23, C. D. 1
RELATING TO FLAVORED TOBACCO PRODUCTS**

REGULAR MEETING
HONOLULU CITY COUNCIL

Hearing Date: September 6, 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, Council Draft 1 (46-23, C. D. 1) as both a health equity and social justice issue to protect the next generation in Honolulu from lifelong addiction to tobacco use. Bill 46-23, C. D. 1 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 people to nicotine, increased exposure to harmful substances and likelihood for smoking

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

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

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

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

Menthol flavors are too often exempted from tobacco control policies.⁹ Menthol is an organic compound that has cooling, analgesic, and irritative properties, which can change the way the brain registers the sensations of taste and pain and when in cigarettes can make harmful chemicals more easily absorbed in the body.^{10,11} Menthol also facilitates absorption by masking the harshness of, and making it easier to inhale, cigarette smoke. The availability of menthol cigarettes likely increases experimentation and progression to regular smoking and the

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

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

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

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

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

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

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

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

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

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

Higher proportions of youth e-cigarette use in Hawai‘i counties call for more urgent action on the local level. The number of youth in Honolulu (8,500) who currently use e-cigarettes is alarming.^{19,20} The DOH supports Bill 46-23, C. D. 1 as a measure to protect the next generation from lifelong addiction to tobacco use by prohibiting the sales, distribution, and mislabeling of all flavored tobacco and nicotine products in Honolulu.

Thank you for the opportunity to testify.

Offered Amendments: None.

¹² 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/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

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

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

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

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

¹⁷ National Survey on Drug Use and health, 2018

¹⁸ National Survey on Drug Use and health, 2018

¹⁹ Hawai‘i IBIS - Query Result—Hawai‘i Youth Risk Behavior Survey (YRBS) Data—Electronic vapor product—Current use, High Schools, County-level. (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

Date: September 5, 2023

To: Chair Waters
Members of City Council

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

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

Hearing: Wednesday, September 6 at 10:00AM at City Council Chamber

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 in support of Bill 46, CD1
“Relating to Flavored Tobacco Products”**

September 5, 2023

The American Heart Association supports Bill 46, CD1, “Relating to Flavored Tobacco Products” and strongly urge that no product exemptions be added to the bill.

Chairman of the Board
Brandt Farias

President
Zia Khan, MD

Board Members
Greg Christian
Jason Fujita
Michael Lui, MD
Ben Morgan
Matthew Reeves, D.O., MBA
Ben Salazar
Michael Tanoue, M.D.
David Underriner

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.

Serving Hawaii since 1948

Our Mission:
“To be a relentless force for a world of longer, healthier lives.”

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.

For more information on the AHA’s educational or research programs, visit www.heart.org or contact your nearest AHA office.

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 comprehensively, with no exemptions, restricting the sale of flavored tobacco products—including menthol.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alexa Wohrman', with a stylized flourish at the end.

Alexa Wohrman
National Senior Advocacy Advisor, Community
American Heart Association

Testimony of
John Kirimitsu
Legal and Government Relations Consultant

Before:
Members of the Honolulu City Council
CITY COUNCIL CHAMBER 13TH SESSION WEDNESDAY, SEPTEMBER 6, 2023 10 A.M.

Re: Bill 46 (2023), Flavored Tobacco Products

Dear Members of the City Council:

On behalf of Kaiser Permanente Hawai'i, we respectfully urge the Council to support Bill 46 to protect the health of current and future Honolulu City and County residents of all ages, by enacting a ban on sales of all flavored tobacco products, should state preemption orders be lifted.

Kaiser Permanente supports efforts to ban flavored tobacco because it is consistent with our policies that encourage our 267,000 Hawai'i members statewide and the broader community, to refrain from using tobacco products. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction and the lasting health complications that results from tobacco use.

Kaiser Permanente's clinicians routinely caution patients, especially youth and their parents and guardians, about the harmful effects of nicotine products. To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. This is why Kaiser Permanente is strongly supporting this proposed legislation.

Kaiser Permanente is committed to prevention and addressing health disparities. Together we can make progress towards these goals and put an end to manipulative practices like using attractive flavors to entice young people to use these products, putting profit ahead of the health of our families, friends, and neighbors.

Each day, hundreds of children in the United States try flavored tobacco products in some form. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens.

We commend the City Council for its efforts to prioritize health and wellbeing and urge a continued focus on the health of current and future residents of all ages and a vote to support a ban on all flavored tobacco products.

Thank you for your consideration.