

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii
Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2457, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE YOUTH VAPING EPIDEMIC,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or distribution of all flavored tobacco products in the State. Among other things, this measure:

(1) Bans the sale of flavored tobacco products; prohibits the mislabeling of e-liquid products containing nicotine; and establishes fines and penalties for violations, beginning on January 1, 2021;

(2) Requires the Department of Education to establish a safe harbor program by which persons under twenty-one years of age may dispose of electronic smoking devices in their possession;

(3) Requires public school teachers or educators to confiscate electronic smoking devices;

(4) Increases fines for the purchase or possession of tobacco products and electronic smoking devices by persons under twenty-one years of age; and

(5) Authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine.

Your Committee received testimony in support of this measure from the Honolulu Police Department; Hawaii Substance Abuse Coalition; Hawaii Pacific Health; Hawaii Primary Care Association; Blue Zones Project; Friends of Kamalani and Lydgate Park; We Are One, Inc.; Pediatric Therapies Hawaii; Hui No Ke Ola Pono; Filipina Advocacy Network; Hilo Medical Center; Coalition for a Tobacco-Free Hawaii; Hawaii Public Health Institute; Hawaii Association of Independent Schools; Waianae Coast Comprehensive Health Center; Flavors Hook Kids Hawaii; E Ola Pono Ma Kapolei; The Man Cave; Emma Whitney Photography; Salvation Army, Maui Family Magazine, Kahoomiki, and numerous individuals. Your Committee received testimony in opposition to this measure from Irie Hawaii Stores; VOLCANO eCigs; Hawaii Smokers Alliance; Hawaii Petroleum Marketers Association; Cigar Association of America, Inc.; and numerous individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, Department of Education, American Heart Association, American Lung Association, American Cancer Society Cancer Action Network, Hawaii State Teachers Association, Hawaii Food Industry Association, and two individuals.

Your Committee finds that flavored tobacco products are a significant threat to public health. Your Committee further finds that Hawaii should take steps to regulate flavored tobacco products to reduce tobacco-related health disparities and address the youth vaping epidemic.

Your Committee has amended this measure by:

(1) Removing the requirement that any fines paid to the Department of Health from retailers be deposited into the Hawaii tobacco prevention and control trust fund;

(2) Changing the amount of fines to be paid by any person under twenty-one years of age who purchases or possesses any tobacco product or electronic smoking device to an unspecified amount; and

(3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that requiring fines to be paid by anyone under twenty-one years of age for purchasing or possessing a tobacco product or electronic smoking device may be counterproductive to reducing under age use of tobacco products and electronic smoking devices.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2457, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2457, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Judiciary,

CHRIS LEE, Chair