

STAND. COM. REP. NO. 3777
Honolulu, Hawaii

RE: H.B. No. 2457
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii
Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 2457, H.D. 2, S.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO THE YOUTH VAPING EPIDEMIC,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Ban the sale of flavored tobacco products;
- (2) Prohibit the mislabeling of e-liquid products containing nicotine;
- (3) Establish fines and penalties for violations;
- (4) Authorize 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; and
- (5) Require a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Your Committees received testimony in support of this measure from the Department of Health; Office of the Prosecuting Attorney of the County of Kauaï; Office of the Prosecuting Attorney of the County of Hawaiï; Honolulu Police Department; Hawaii Substance Abuse Coalition; Hawaii Youth Services Network; Hawaii Primary Care Association; Chamber of Commerce Hawaii; American Cancer Society Cancer Action Network; Hawaii Youth Council; Hawaii State Teachers Association; Hui No Ke Ola Pono; Kaiser Permanente Hawaiï; Hawaii Pacific Health; Coalition for a Tobacco-Free Hawaiï; Hawaii Children's Action Network Speaks!; Coalition for a Tobacco-Free Hawaiï Maui; Flavors Hook Kids Hawaiï; Healthy Mothers Healthy Babies Coalition of Hawaii; Hawaiï Community Foundation; Keiki Injury Prevention Coalition; Hawaii Dental Association; The Man Cave; Get Fit Kauai, The Friends of Kamalani and Lydgate Park; We Are One, Inc.; Blue Zones Project; Student Health Advisory Council; American Academy of Pediatrics, Hawaii Chapter; Hawaii Tobacco Youth Council; American Heart Association; American Lung Association in Hawaii; Coalition for a Drug-Free Hawaii; Blue Zones Project Wahiawa; Campaign for Tobacco-Free Kids; Pediatric Therapies Hawaii; Adventist Health Castle; Filipino Nurses Organization of Hawaii; Filipino Business Women's Association; First United Methodist Church of Honolulu; Filipino Women's Civic Club; and numerous individuals. Your Committees received testimony in opposition to this measure from Hawaii Smokers Alliance; Cigar Association of America, Inc.; Irie Hawaii Stores; Hi Lyfe Vaporz, LLC; Black Lava Vape; Itie Ho Smoke Shop; Smokey's; and numerous individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Education, Hawaii Food Industry Association, American Heart Association, and one individual.

Your Committees find that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. This measure will take steps to regulate flavored tobacco products to reduce tobacco-related health disparities and address the youth vaping epidemic.

Your Committees have amended this measure by:

- (1) Clarifying that all fines and penalties related to flavored tobacco products shall be deposited into the Hawaii Tobacco Prevention and Control Trust Fund;
- (2) Removing "menthol" from the definition of "flavored tobacco products";
- (3) Clarifying language relating to forfeiture to more closely match section 712-1258(6), Hawaii Revised Statutes;
- (4) Removing language relating to parental notification and choice of penalty for offenders under eighteen years of age;

(5) Changing the effective date to September 1, 2020; and

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

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2457, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2457, H.D. 2, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on
Judiciary and Ways and Means,

DONOVAN M. DELA CRUZ, Chair

KARL RHOADS, Chair