

Honolulu, Hawaii

February 8, 2019

RE: H.B. No. 276
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 276
entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to ban the sale or
distribution of all flavored tobacco products and electronic
smoking device products, including mentholated tobacco products,
in the State.

The Department of Health, Department of Education, Office of
Hawaiian Affairs, Office of the Prosecuting Attorney of Kaua'i
County, Chair of the Maui County Council, Honolulu Police
Department, University of Hawaii Student Health Advisory Council,
Hawai'i Pacific Health, Waimanalo Health Center, Hawai'i Public
Health Institute's Coalition for a Tobacco Free Hawai'i, Lanai
Community Health Center, Blue Zones Project, American Heart
Association, American Cancer Society Cancer Action Network, Hawaii
COPD Coalition, Hawaii State Teachers Association, Hawaii Youth
Services Network, Hawaii Dental Hygienists' Association, Hawai'i
Primary Care Association, Friends of Kamalani and Lydgate Park
Beach Cleanup Team, Hawaii Children's Action Network, Hale 'Opio
Kaua'i, Keiki Injury Prevention Coalition, We Are One, Inc.,
Pediatric Therapies Hawaii, Hana Lima Physical Therapy, Kapiolani
Smokefree Families, Mid-Pacific Institute Do What You Love Service



Club, and numerous individuals testified in support of this measure. ABC Stores, VOLCANO Fine Electronic Cigarettes, Vape Kings LLC, Hi Lyfe Vaporz, LLC, Black Lava Vape, Nii Superette, Inc, Retail Merchants of Hawaii, Cigar Association of America, Inc., and many individuals testified in opposition to this measure. The Department of the Attorney General, Hawaii Food Industry Association, and one individual provided comments.

Your Committee has amended this measure by:

- (1) Carving out an exception to the ban on flavored products for menthol and mentholated products;
- (2) Establishing specific dollar amounts for fines for violations of this measure;
- (3) Prohibiting the mislabeling of any e-liquid product that contains nicotine as nicotine free;
- (4) Changing the effective date to July 1, 2050, to promote further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee recognizes this measure has the potential to significantly impact the State's economy. Should the Committee on Consumer Protection & Commerce deliberate this measure further, your Committee on Health respectfully requests that the Department of Health work with your Committee on Finance to estimate the potential lost revenue if:

- (1) A ban on all flavored products is enacted; and
- (2) A ban on all flavored products, except menthol and mentholated products, is enacted.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 276, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 276, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



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


JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR182

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 276	Committee Referral: HLT, CPC, FIN^{MW}	Date: 2-5-19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au				/
4. NAKAMURA, Nadine K.	/			
5. SAN BUENAVENTURA, Joy A.	/			
6. SAY, Calvin K.Y.				/
7. TOKIOKA, James Kunane	/			
8. WARD, Gene				/
TOTAL (8)	5			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <i>BJ Kepner</i> _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				