
HOUSE RESOLUTION

REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO
PROMOTE TRANSPARENCY AND ENFORCEMENT BY IMMEDIATELY
PUBLISHING PREMARKET TOBACCO PRODUCT APPLICATIONS.

1 WHEREAS, according to a 2020 joint study by the United
2 States Food and Drug Administration (FDA) and Centers for
3 Disease Control and Prevention (CDC), there are an estimated
4 3,600,000 youth who currently use e-cigarettes, or electronic
5 nicotine delivery systems (ENDS); and
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7 WHEREAS, according to the Hawaii Youth Risk Survey,
8 commissioned by the Department of Health, Hawaii high school
9 students are twice as likely as youth nationally to vape; and
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11 WHEREAS, the 2017 Hawaii Youth Tobacco Survey found that
12 Hawaii has the highest rate of e-cigarette use among middle
13 school students and the second highest rate among high school
14 students in the United States; and
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16 WHEREAS, the marketing of e-cigarettes and ENDS products
17 aggressively targets vulnerable youth users with the
18 introduction of flavored e-cigarettes and ENDS products, as well
19 as advertisements in social media employing celebrities and
20 influencers, which ultimately promote the illegal sale and use of
21 e-cigarettes and ENDS products by underage users; and
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23 WHEREAS, the United States Surgeon General, United States
24 Department of Health and Human Services, and CDC warns that the
25 use of e-cigarettes and ENDS products are unsafe due to the
26 highly addictive nature of nicotine, harm to the developing
27 adolescent brain, carcinogens and other toxins present in the
28 aerosol inhaled, and potentially lethal toxins if the content of
29 refill cartridges are consumed; and
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31 WHEREAS, the passage of the 2021 omnibus Consolidated
32 Appropriations Act in December 2020 amended the Jenkins Act, as



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1 previously amended by the Prevent All Cigarette Trafficking Act,
2 to mandate that any delivery sale of ENDS will require an
3 adult's signature upon delivery, ostensibly increasing the
4 difficulty for minors to illegally obtain ENDS; and

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6 WHEREAS, the FDA required any seller and manufacturer of
7 new tobacco products, including e-cigarettes and ENDS products,
8 to submit a Premarket Tobacco Product Application by September
9 9, 2020; and

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11 WHEREAS, the FDA has seen an influx of Premarket Tobacco
12 Product Applications: the FDA received 14,751 applicants in
13 August and September 2019 alone; and

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15 WHEREAS, these recent applicants represent ninety-five
16 percent of the total applicants; and

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18 WHEREAS, the FDA has released the information of only three
19 separate entities that have successfully received marketing
20 orders since 2015; and

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22 WHEREAS, pending Premarket Tobacco Product applicants are
23 virtually unidentified, leaving a gap between current federally
24 approved e-cigarette sellers and non-compliant sellers or, non-
25 applicants; and

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27 WHEREAS, to date, no e-cigarette or ENDS product has been
28 approved by the FDA through its science-driven, six-stage
29 process of Premarket Tobacco Product Marketing Application
30 review; now, therefore,

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32 BE IT RESOLVED by the House of Representatives of the
33 Thirty-first Legislature of the State of Hawaii, Regular Session
34 of 2021, that the FDA is requested to promote transparency and
35 enforcement by immediately publishing Premarket Tobacco Product
36 Applications; and

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38 BE IT FURTHER RESOLVED that the FDA is requested to
39 disclose Premarket Tobacco Product Applications applicant
40 information to the State in the interests of consumer protection
41 against illegally marketed ENDS products; and

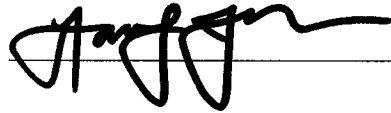


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1 BE IT FURTHER RESOLVED that the Premarket Tobacco Product
2 Application data received by the State is requested to be
3 applied by the Department of Commerce and Consumer Affairs to
4 identify businesses not complying with federal requests to
5 continue the legal sale of e-cigarettes and ENDS products; and
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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Commissioner of the Food and
9 Drug Administration, Director of the Centers for Disease Control
10 and Prevention, Governor, Director of Health, Director of
11 Commerce and Consumer Affairs, and Executive Director of the
12 Division of Consumer Advocacy.
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OFFERED BY: _____



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