

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 2347
H.D. 1

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

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred H.B. No. 2347, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to:

- (1) Ban the sale of flavored tobacco products, except for menthol and liquid or like substances with a distinguishable taste or aroma of tobacco or menthol;
- (2) Prohibit the mislabeling, sale, or marketing as nicotine-free any e-liquid product that contains nicotine; and
- (3) Specify penalties for violations.

Your Committees received testimony in support of this measure from the Department of Health; Honolulu Police Department; Hawaii State Teachers Association; Hawaii Youth Services Network; American Heart Association; Hawaii Primary Care Association; Keiki Injury Prevention Coalition; Hawaii Association of Independent Schools; Hawaii Dental Hygienists' Association; The Friends of Kamalani and Lydgate Park; Hawaii Pacific Health; The Man Cave; Hawaii Chapter of the American Academy of Pediatrics; Coalition



for a Tobacco-Free Hawaii; Filipino Business Women's Association; American Cancer Society Cancer Action Network; Filipina Advocacy Network; Pediatric Therapies Hawaii; Hawaii Substance Abuse Coalition; Pearl City Neighborhood Board; Hawaii - American Nurses Association; Kahoomiki; Emma Whitney Photography; American Lung Association; Hawaii Children's Action Network; Hawaii Petroleum Marketers Association; Hawaii Community Foundation; Blue Zones Project; Pioneering Healthier Communities Initiative; Hui No Ke Ola Pono; Flavors Hook Kids- Hawaii; Pono Hawaii Initiative; WeAreOne, Inc.; numerous individuals; and a petition signed by over one hundred individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association; Irie Hawaii Stores; Hawaii Smokers Alliance; Vape Kings, LLC; and numerous individuals. Your Committees received comments on this measure from one individual.

Your Committees find that the rate of using e-cigarettes in the State among youth is twice the national average, with sixteen percent of middle schoolers and twenty-six percent of high schoolers using e-cigarettes and other electronic smoking devices. Your Committees further find that eighty-one percent of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products, like flavored e-cigarettes, have been glamorized to appeal to youth, using flavors like candy, fruit, Maui mango, and shaka strawberry.

Your Committees also find that given the significant threat to public health posed by flavored tobacco products, a growing number of jurisdictions have introduced and passed legislation to regulate the sale of flavored tobacco products. This measure regulates the sale of these products in the State, which will reduce tobacco-related health disparities and address the youth vaping epidemic.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2347, H.D. 1, and recommend that it be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



CHRIS LEE, Chair



ROY M. TAKUMI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>H13 2347, HD1</i>	Committee Referral: <i>HLT, CPC/JUD, FIN</i>	Date: <i>2/12/20</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. BELATTI, Della Au	/			
5. CABANILLA ARAKAWA, Rida				/
6. CACHOLA, Romy M.		/		
7. HAR, Sharon E.	/			
8. KONG, Sam Satoru		/		
9. MIZUNO, John M.	/			
10. ONISHI, Richard H.K.		/		
11. MATSUMOTO, Lauren	/			
TOTAL (11)	7	3	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>Rida Cabanilla Arakawa</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

HSCR 512-20

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2347 HD1	Committee Referral: HLT, CPC/JUD, FIN	Date: 2/12/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.		/		
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.		/		
9. SAY, Calvin K.Y.		/		
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.	/			
12. THIELEN, Cynthia	/			
TOTAL (12)	9	3		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				