

STAND. COM. REP. NO.

246

Honolulu, Hawaii

FEB 09 , 2023

RE: H.B. No. 551
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Labor & Government Operations, to which was referred H.B. No. 551 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the sale of flavored tobacco products and the mislabeling of e-liquids as nicotine free;
- (2) Authorize the Department of Health to appoint, commission, or contract for services of inspectors;
- (3) Establish two full-time equivalent program specialist positions and one full-time equivalent hearing officer position; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Health; Department of Education; University of Hawai'i Cancer Center; two members of the Hawai'i County Council; Keiki Injury Prevention Coalition; Hawaii Substance Abuse Coalition; Maui Preparatory Academy; University of Hawaii Student Health Advisory Council;

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Hawaii Health & Harm Reduction Center; Hawai'i Nurses Association OPEIU Local 50; Americans for Democratic Action Hawai'i; Hawai'i Children's Action Network Speaks!; Opportunity Youth Action Hawai'i; Hawaii Association of Independent Schools; Hawaii COPD Coalition; Waimānalo Health Center; Kaiser Permanente Hawai'i; American Lung Association Hawaii; Hawai'i Public Health Institute; Hawaii Primary Care Association; Hawaii State Teachers Association; HIPHI Youth Council; American Cancer Society Cancer Action Network; Coalition for a Tobacco-Free Hawaii; Hawai'i State Youth Commission; Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund; American Heart Association; AlohaCare; Hawaii Dental Association; Hawai'i Public Health Association; National Hookah Community Association; The Friends of Kamalani & Lydgate Park; Hawai'i Youth Services Network; and numerous individuals.

Your Committee received testimony in opposition to this measure from Aloha Petroleum; Minit Stop; Par Hawaii; Consumer Advocates for Smoke-free Alternatives Association; R Street Institute; Cigar Association of America, Inc.; Taxpayers Protection Alliance; Retail Merchants of Hawaii; Hawaii Smokers Alliance; National Taxpayers Union; Reason Foundation; and numerous individuals.

Your Committee finds 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 promote youth initiation of tobacco use and help young occasional smokers become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Your Committee further finds that young people and people of color are disproportionately using flavored tobacco products, including menthol.

The 2021 National Youth Tobacco Survey report estimates that ending the sale of flavored tobacco in Hawaii would save the State at least \$48,000,000 in long-term health care costs, prevent seven hundred premature smoking-related deaths, prompt over three thousand menthol cigarette smokers to quit, and prevent youth from initiating smoking with menthol cigarettes. Your Committee finds that, given the significant threat to public health posed by flavored tobacco products, Hawaii must take steps to address the youth vaping epidemic and reduce tobacco-related health disparities.

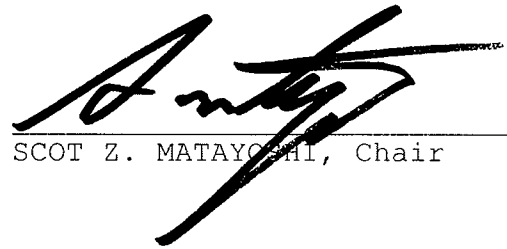


Your Committee has amended this measure by:

- (1) Specifying the chapter of the Hawaii Administrative Rules that addresses the cost of proper disposal of electronic smoking devices and e-liquids as hazardous waste;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 551, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 551, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Government
Operations,



SCOT Z. MATAYOSHI, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCP 246

Record of Votes of the Committee on Labor & Government Operations

Bill/Resolution No.: HB 551	Committee Referral: LGO, CPC, FIN	Date: 2/8/23		
<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)				
LGO Members	Ayes	Ayes (WR)	Nays	Excused
1. MATAYOSHI, Scot Z. (C)	✓			
2. GARRETT, Andrew Takuya (VC)	✓			
3. KAPELA, Jeanne	✓			
4. MARTINEZ, Rose	✓			
5. SAYAMA, Jackson D.	✓			
6. TAM, Adrian K.	✓			
7. ALCOS III, David	✓			
TOTAL (7)	7			
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				