

WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE

Council of the County of Maui

MINUTES

November 18, 2024

Online Only via Teams

CONVENE: 9:08 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Gabe Johnson, Vice-Chair (Out 10:27 a.m.; in 10:53 a.m.)
Councilmember Tom Cook, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 9:21 a.m.)
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U'u-Hodgins, Member

STAFF:

Clarissa MacDonald, Legislative Analyst
Jarret Pascual, Legislative Analyst
Carla Nakata, Legislative Attorney
Criselda Paranada, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Christian Balagso, Council Aide, West Maui Residency Area Office
Zhantell Lindo, Council Aide, Molokai Residency Area Office
Roxanne Morita, Council Aide, Lānaʻi Residency Area Office
Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office
William "Bill" Snipes, Council Aide, South Maui Residency Area Office

ADMIN.:

Christina Bonacorsi, Sergeant, Department of Police
Brianna Stice, Police Officer III, Department of Police
Selina Pannell, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Jill Tamashiro, Supervisor, Tobacco Prevention and Control Section, Chronic Disease Prevention and Health Promotion Division, Hawai'i State Department of Health
Ashley Olson, Teacher, Lahainaluna High School & Maui Director, Hawai'i State Teachers Association

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Testifiers

Greenlee Evonuk

Sierra Berrigan

Aria Alviedo

Charley John Garo

Leslie Garo, Maui County Tobacco-Free Coordinator, Hawai'i Public Health Institute

Kristin Mills

Katie Folio

Kathleen Hagan

RJ Arconado

Jen Mather

Jaime Rojas, National Association of Tobacco Outlets

Elle Cochran, State House Representative

(25+) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR SINENCI: . . .*(gavel)*. . . Aloha kakahiaka, everyone and qué bolá. Welcome to the WASSP meeting--Committee meeting of November 18, 2024. It is now 9:08. I'm Shane Sinenci, your Committee Chair. As a reminder for members of the public to please silence all cellphones and noise-making devices. Members, in accordance with the Sunshine Law, if you are not in the conference room, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Please see the last page of the agenda for information on meeting connectivity. Joining us this morning, we have Committee Vice-Chair Gabe Johnson. Aloha.

VICE-CHAIR JOHNSON: Aloha, Chair, Councilmembers, community members. There's no testifiers at the Lāna'i District Office. I'm alone in my workspace, and here and ready to work. Mahalo, Chair.

CHAIR SINENCI: Thanks for joining us. Joining us in the Planning Commission Conference Room, we have Councilmember Tom Cook. Aloha and good morning.

COUNCILMEMBER COOK: Aloha, good morning, Chair. I'm having to reboot, but I'm here and ready to work. And there's nobody in the South Kihei residency office currently to...for testimony.

CHAIR SINENCI: Thanks for being here. Also joining us in the conference room, we have Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and good morning to everyone out there in the audience and in *Akakū* land.

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CHAIR SINENCI: Mahalo for being here. Also joining us this morning is Council Chair Alice Lee with our morning greeting.

COUNCILMEMBER LEE: Qué bolá from Cuba. *(echoing)* Okay. Something wrong with the . . .*(inaudible)*. . . No one's here in my home space. Thank you.

CHAIR SINENCI: Okay. Thank you for joining us, Chair Lee. Joining us from West Maui, we have Councilmember Tamara Paltin. Aloha kakahiaka. Is she back on yet?

COUNCILMEMBER KAMA: Yeah.

CHAIR SINENCI: Yeah.

COUNCILMEMBER KAMA: She's right here.

CHAIR SINENCI: Oh.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou and e *(phonetic)* bolá.

CHAIR SINENCI: Qué.

COUNCILMEMBER PALTIN: Streaming live and...qué ola *(phonetic)*.

CHAIR SINENCI: Qué bolá.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Qué pola *(phonetic)*.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Qué bolá. Streaming live and direct from Nāpili here at my kitchen table. I have two canines, one is a minor and shall remain unnamed, and the other ones name is King. Thank you.

CHAIR SINENCI: Mahalo. Thank you for joining us this morning. Joining us online, we have Councilmember Keani Rawlins-Fernandez. Aloha kakahiaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, and not to be confused with Ebola, which can be dangerous.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm at my rental in Waihe'e alone, and we currently have no testifiers at the Molokai District Office. Mahalo, Chair.

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CHAIR SINENCI: Mahalo. Also joining us in the conference room, we have Member Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Aloha. Good morning, everybody. Nice to see so many bright, young faces in the Chambers [sic] and the Police Department. Nice to see you here. And we look forward to--thank you very much for hearing this.

CHAIR SINENCI: Okay. Okay. And finally from Pā'ia Center, we have Nohelani U'u-Hodgins. Aloha.

COUNCILMEMBER U'U-HODGINS: Aloha, Chair. Aloha, everyone. Happy Monday. Qué bolá to everyone. I'm at the Pā'ia District Office, there are no testifiers, and I'm also with Jade Rojas-Letisi.

CHAIR SINENCI: Okay. Mahalo for joining us. Members, from the Police Department, we have joining us today Sergeant Christina Bonacorsi, as well as Officer Brianna Stice. Aloha and welcome. Also, from Corporation Counsel, we have Ms. Selina Pannell, good morning. Our Committee Staff members, who is helping to conduct this morning's meeting: we have Ms. Criselda Paranada, aloha; Ms. Clarissa MacDonald, our Legislative Analyst; Mr. Jarret Pascual, a Legislative Analyst; Ms. Carla Nakata, our Legislative Attorney; Ms. Lei Dinneen, as well as Ms. Jean Pokipala, our Assistant Clerks.

ITEM 15: BILL 156 (2024), TO PROHIBIT RETAILERS FROM SELLING OR MARKETING FLAVORED TOBACCO PRODUCTS AND MISLABELING PRODUCTS AS NICOTINE-FREE

CHAIR SINENCI: Members, on today's agenda, we have Bill 156 (2024), To Prohibit Retailers From Selling or Marketing Flavored Tobacco Products and Mislabeling Products as Nicotine-Free, WASSP-15. Members, if there are no objections, I would like to take testimony after receiving opening remarks on WASSP-15.

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Thank you, Members. Okay. Let's just jump right in. Members, Bill 156's purpose is to prohibit retailers from selling...selling, excuse me, or marketing flavored tobacco products, including products with menthol and products that produce cooling sensations, and mislabeling products as nicotine-free. In Section 328J-11.5(b) of the Hawai'i Revised Statutes, it preempts the counties from enacting ordinances that regulate the sale of cigarettes, tobacco products, and...and electronic smoking devices. However, because of these product's detrimental health effects, this ordinance is intended to ban flavored tobacco products if Section 328J-11.5(b) or any other relevant statute preempting county ordinances is repealed. According to the American Academy of Pediatrics, flavors are one of the main reasons why young people initiate tobacco use, and this can have...this can be very addicting for them. I've asked a few people to attend our meeting today. Without objection, I am designating the following resource persons

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under Rule 18(A) of the Rules of the Council because of their special expertise relating to our agenda item. Today, we have Ms. Jill Tamashiro, the Tobacco Prevention and Education Section Supervisor of the Chronic Disease Prevention and Health Promotion Division, Hawai'i State Department of Health; as well as Ms. Ashley Olson of Lahainaluna High School, the Maui Director of HSTA. At this time...should I designate them now?

MS. MACDONALD: Yeah.

CHAIR SINENCI: Any objections to designating --

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Thank you, Members. At this time, I would like to invite Councilmember Sugimura to provide any opening comments on Bill 156.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair Sinenci. Appreciate you hearing this as we're getting towards the close of our term. And the objective was, I was approached by the organizations for Maui County Coalition, Tobacco-Free of Hawai'i, the Coalition Coordinator, Leslie Garo, who's here in the audience also, to try to see if Maui County could pass legislation. We are...right now, what the objective was...as it was proposed to be was to get bodies to propose legislation, and then they would go and then try to get something passed through the Legislature for a flavor ban. I do want to cons...keep with that and...and what was presented as a basic bill, and not amend it to be different than the other counties. So, therefore, right now, City & County of Honolulu has a bill that was passed--Big Island, I think, was first--and then we would be third if it does pass, and Kaua'i is working on something now also. So, hopefully, by January 15th, there will be something. You will hear from the testifiers why this is a good thing in just trying to restrict and encourage, you know, smoking in general, and...and the flavor bans then encourages youth--as it...as it's targeted for this--for...for then picking up smoking. And the most...probably the most encouraging testimony and emails that I got was the number of schools that support this, which you will probably hear about. And the...the testimony that came to us, that is also posted on Granicus, came from Department of Health, which strongly supports this too. I...I look forward to hearing the in-depth discussions from the testifiers, and...and to discuss this, and hopefully we can pass this so that we can pass it during this term.

CHAIR SINENCI: Okay. Mahalo, Member Sugimura. Would any of the representatives from the Maui Police Department also like to provide some opening comments?

MS. BONACORSI: Good morning, Chair. Good morning, community. Thank you for allowing us to be here. So, on this bill, the enforcement side is going to be very difficult for the Police Department because it's a violation. And I know...I know it's in a good place where the kids are getting a hand...their hands on it. These things are already illegal for the juveniles and anybody under 21 smoking nicotine like that. So, the only thing--and that's why I brought Juvenile Officer Brianna Stice in here, because they do the random sweeps and all that stuff--if there was another entity that could be on

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top of the Police in the enforcement side, say that's maybe...that's going to be a lot for us to handle regarding this. I don't know if Chief Pelletier--he would be here if he could, but he is opposed to it as of right now because of the way it's worded, you know? But it...it would be a good thing for, you know, the nicotine and stuff getting into kids' hands, but we do do a lot with enforcement stuff already...but if that helps. Sorry.

COUNCILMEMBER SUGIMURA: Thank you.

MS. BONACORSI: Thank you.

CHAIR SINENCI: Okay. Mahalo, Ms. Bonacorsi. Next, we have Ms. Tamashiro. Would you like to provide some opening comments on Bill 156?

MS. TAMASHIRO: Sure. Can you all hear me?

CHAIR SINENCI: Yes, we can hear you.

MS. TAMASHIRO: Okay. Great. Yeah. Aloha, Chair, and Members of the Committee. My name is Jill Tamashiro, I am the Section Supervisor at the Hawai'i State Department of Health, Tobacco Prevention and Control Section, within the Chronic Disease Prevention and Health Promotion Division. So, thank you so much for your request. I received a request to provide opening comments about...for Maui, so I did prepare some information for you, and honored to share that...the opening section about . . .*(inaudible)*. . . tobacco . . .*(inaudible)*. . . So, I'll start off by saying that in 2019, as the national youth vaping epidemic in our country escalated, our neighbor islands' statistics in Hawai'i reflected a really alarming situation. At that time in 2019, 36 percent of Maui high schoolers reported current use of e-cigarettes, which was the highest compared to all other counties in the State of Hawai'i. While this figure dropped to 18 percent in 2021, this was unfortunately not a signal of a diminishing problem. When looking further at statistics, an estimated 40 percent of those students in Maui who continue to vape reported that they did it frequently, which was a possible indication that addiction among youth was now on the rise. Among middle schoolers in Maui, at the same time, 30 percent--or one in three of those who reported current vaping--also said they did so frequently. So, now that time has passed, and our high schoolers of 2021 have now become adults. We have evidence that the vaping epidemic that started amongst middle schoolers and high schoolers has now expanded to adulthood Statewide, and also in Maui. So, today, our latest data shows that Maui County has the highest adult e-cigarette-use prevalence of any county in Hawai'i overall. Between 2021 and 2022, in just a single year, adult vaping in Maui doubled--from 4.3 percent in 2021 to 9.3 percent in 2022. This was the highest jump of all the counties in a single year. When looking even further, it is evident that the brunt of this public health problem in Maui is now carried by young adults. Those who fall in the age group of 18 to 24 in Maui have a vaping prevalence of 40 percent, whereas close to half of young adults in that age category in Maui say they currently vape. Unfortunately, there's also more. Expansion of the vaping epidemic from high school to young...young adults is not the end of the shifting vaping epidemic. We have anecdotes that children as young as second grade have been caught using, possessing, and in some cases, even

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selling e-cigarettes to classmates on campus. While the State does not currently collect tobacco-use data amongst elementary school-aged children, we are now looking for ways to elicit tobacco use among this younger age group, as well as provide sensitive, age-appropriate education and resources to their parents, caregivers, and teachers in the meantime. Additional data shows that 80 percent of youth who say they vape also use a flavored tobacco product, and over half say they use products with the name "ice" or "iced" in the name. Products with the name "ice" or "iced" often contain menthol, which is the most powerful driver of addiction in all tobacco products. The chemicals in menthol have the dual ability to mask the harshness of tobacco by cooling and numbing the throat, but it also plays a role in the brain by making it more receptive to nicotine. This powerful combination makes tobacco products with menthol easier to start and harder to quit. For these reasons, flavors that are also laced with menthol are even more problematic for our youth and young adults. Flavors and enticement factor in the overall public-health problem of youth and young adult vaping. If marketing and cool technologies first grab their attention, flavors are what gets young people to try it, and nicotine is what keeps them coming back. Nicotine is not only addictive, but interferes with brain development, effecting attention, memory, learning, sense, anxiety, irritability, and impulsivity. Their health impacts from vaping include lung disease and many *(audio interference)* may contain these products include heavy metals and *(audio interference)*. Cigarettes pose very serious threats to the physical and mental health of our next generation. The tobacco industry continues to push out more alluring products, increasing nicotine content at the same time, and are constantly shifting their tactics to maneuver around regulations. As we have seen, tobacco-related disparities in Hawai'i are often geographic, in that some jurisdictions, such as Maui County, have higher prevalence of tobacco use than others. After 11 years of unsuccessful attempts to address the sale of flavored tobacco products on the State level, it becomes more and more urgent for counties to consider their unique burdens and how they may best address them. The Department of Health commends the Maui County Council for taking on this very important topic to address the impact of tobacco use on the health and the future of youth and young adults in Hawai'i. So, thank you for this opportunity to provide some data. Let me know if there's any questions. I should be here . . .*(inaudible)*. . .

CHAIR SINENCI: Mahalo, Ms. Tamashiro. Staff, do we have Ms. Olson online for opening comments?

MS. MACDONALD: Yes, Chair. She's online.

CHAIR SINENCI: Good morning, Ms. Olson.

MS. OLSON: Good morning, Councilmember Sinenci. How are you?

CHAIR SINENCI: I'm fine. Nice to hear from you.

MS. OLSON: Good to hear from you. I'm sorry I don't have a camera. It's grayed out on my...on my app here. I thank you very much for the opportunity to speak. What I'm going to share first is a letter from HSTA because our people at the state office are...are

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really quite elegant...eloquent. And student vaping infuriates me, and...and so I think their words are going to be more measured, and then I'll add a couple of comments as an individual before I run off to class. Again, my name is Ashley Olson. I'm a teacher at Lahainaluna High School, and I'm also the Director to the Maui...the Maui Director to the Hawai'i State Teachers Association. And I'm speaking today in support of the bill. So, Chair Sinenci, and Vice-Chair Johnson, and Members of the Committee, the Hawai'i State Teachers Association strongly supports Bill 156, which amends Title 8, Maui County Code, to prohibit retailers from selling or marketing flavored tobacco products and mislabeling products as nicotine-free. This important legislation aligns with our values to protect the health and well-being of our keiki by prohibiting the sale and marketing of flavored tobacco products. As educators, we see firsthand the harmful effects of nicotine addiction in our students. Flavored tobacco products, with their appealing smells and tastes, are a gateway to a lifetime of health problems and dependence. These products are deliberately designed to appeal to young people, hooking them on nicotine, and undermining their ability to learn, grow, and thrive. In fact, according to the American Academy of Pediatrics, flavors are one of the primary reasons young people start using tobacco. As such, this ordinance is a crucial step in protecting our keiki from the predatory tactics of the tobacco industry. By prohibiting the marketing of these products, we can help to prevent a new generation from falling victim to nicotine addiction. HSTA firmly believes that Bill 156 is a vital step in our collective efforts to create a healthier, safer future for our youth, and we strongly pass...strongly urge you to pass it. Speaking as an individual, I very much appreciate Chair Sinenci for clarifying that the County cannot regulate the sale of these products, only the marketing. I want to share with you a couple of...a couple of anecdotes, if you will. Ms. Tamashiro talked about the...the...the known effects on our kids and emerging adults. A friend of mine who is an elementary school special education teacher, she found a vape in her elementary school bathroom. It belonged to one of her third graders, and she knew this because that third grader had conveniently put her name on her vape so that it could be returned to her if she lost it. Marketing is disgustingly effective. This is a third grader. She's smart enough to know, hey, if I put my name on it, I'll get it back; not sophisticated to understand the problematic nature of labeling a vape with her name that she was using at school. Here at Lahainaluna, you pass by bathrooms and you smell that...that sweet odor of a vape pen just used. We don't have cameras in bathrooms. That would be utterly inappropriate. We don't have sufficient staff to be in bathrooms with students...and nor should we be in bathrooms with students, and that's generally where they're vaping. But we know it's happening, and we can't effectively curtail it. We see our students leaving campus at the end...end of the day, and their vehicles are billowing vape smoke as they leave campus. And marketing is incredibly effective. I...I...I absolutely don't begrudge manufacturers and retailers making a profit, but it is utterly unacceptable, it is repugnant, it is unconscionable that this profit comes at the expense of the health of our keiki. I'm sure there are many arguments against this ordinance, the difficulty in enforcement is one of them. I don't think that we should allow perfection, the attempt at perfection, to get in the way of progress. I'm sure that there will be people saying, oh, you're throwing away the baby with the bathwater because if we can't market, then we're going to lose our customer base. I would argue that you can retarget said marketing. And there's going to be cries of livelihoods being destroyed. I just don't understand how you can honestly justify selling products so

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obviously marketed toward kids. These entrepreneurs are very intelligent individuals. They are going to find another revenue source. They're going to find another livelihood, preferably one that doesn't target or market directly to our keiki a product that poisons them. Ultimately, we know that marketing is effective. We've heard the statistics. And if businesses depend so heavily on our keiki for their bottom line, well, what is ultimately poison, then they don't deserve to be in business. So, I urge you to pass this ordinance, and I really do thank you for your time this morning. Ms. Leslie Garo has my contact information. I need to run away to class right now, but if you need me to come back later, I will keep the ringer on my phone so that I can step out and rejoin the meeting if needed. Thank you so much for your time today.

CHAIR SINENCI: Thank you, Ashley. Thank you for being here. Okay. Thank you, everyone, for your opening comments. And so, before we begin our discussion, let's take testimony on WASSP-15. Oral testimony via phone or video conference will be accepted. In accordance with the Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting and as the item is called up on the agenda. Testifiers wanting to provide video or audio testimony should sign up in the conference room, or join the online meeting via the Teams link, or call in to the phone number noted on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button. For those calling in, please follow the prompts via phone; star-5 to raise and lower your hand, and star-6 to mute and unmute. Staff will add names to the testifier list in the order testifiers sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then enable your microphone and video, and call the name you are logged in under, or the last four digits of the phone number, when it is your time to testify. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item and will be accepted at the beginning of the meeting prior to the Committee's deliberation on each item on the agenda. If you're still testifying beyond that time, I will kindly ask you to complete your testimony. We ask that you state your full name and organization, but if you prefer to testify anonymously, Staff will identify and refer to you as a "Testifier," and assign you a number. Also, please indicate the agenda item--we have one item--which you're testifying on. Once you are done testifining...testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Again, mahalo for all of your cooperation in advance. The Chair will be maintaining decorum at all times. Staff, call the first testifier, please.

. . . BEGIN PUBLIC TESTIMONY FOR WASSP-15. . .

MR. PASCUAL: Yes, Chair. The first testifier is Greenlee Evonuk, to be followed by Sierra Berrigan.

MS. EVONUK: Aloha. Can you hear me?

MR. PASCUAL: Yes.

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CHAIR SINENCI: Right into the...

MS. EVONUK: Like this?

CHAIR SINENCI: Yeah.

COUNCILMEMBER COOK: Yeah.

MS. EVONUK: Okay. Aloha, Chair Sinenci, Vice-Chair Johnson, and Honorable Members of the Water Authority, Social Services, and Parks Committee. I am a student at King Kekaulike High School, I'm a sophomore, and my name is Greenlee Evonuk. At my school, it's rare to find someone who doesn't vape than someone...sorry, that went the wrong way. It is rare to find someone who does...who doesn't vape than someone who does, and I am friends with quite a few people who do vape, so it's very hard to ignore the epidemic as it is. One of my most striking memories when I realized how bad vaping was at my school was I was hanging out with a friend who does vape, and during lunch time, she brought me to a teacher's classroom. And we walked in. It was just--it's really memorable--it was dark, the windows were closed, the blinds were folded, they had music blasting, the fans were off, and it looked like someone had turned on a smoke machine in the corner because of how many kids were vaping. This is like 30, 40 kids all huddled in the corners of the room. The teacher knew about this, I don't know how you wouldn't, but she wasn't doing anything about it and it was very obvious that they were vaping. And this specific teacher, you know, she has...she's the center of a couple stories of mine, but we had vape detectors installed in the school bathrooms because kids and...kids have been getting caught using vapes, and she proceeded to instruct us...she told us that we were vaping wrong, and that she told us how to vape without putting off the detectors, which was a surreal conversation to be hearing from an authority figure concerning that. And vaping...people...you know, it is an addiction. And people like to think that it only affects the individual, but it really does affect the way that the student body cooperates. I have seen kids who are selling vapes for anywhere from 75 to 120 bucks. People...it's hard for students to get vapes from normal markets, so they go for dealers who get it from family members or whatever. But it's...it was hard because \$100, that's not cheap to a high schooler, especially not without a job, and so you would see kids running around asking for spare change, you know, asking to borrow money. And it's...you know, it's hard to see, especially because they're experiencing withdrawal symptoms and they need a vape. And that's why it's so important for this law to be passed...or this bill to be passed, just because of the way that it's affecting students. Thank you.

COUNCILMEMBER COOK: Thank you.

CHAIR SINENCI: Mahalo, Ms. Evonuk, for your testimony. Members, any questions for our testifier this morning?

COUNCILMEMBER SUGIMURA: No.

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CHAIR SINENCI: Seeing none. Thank you for your testimony. Mr. Pascual?

MR. PASCUAL: Chair, the next testifier is Sierra Berrigan, to be followed by Avia [sic] Alviedo.

CHAIR SINENCI: Good morning, Sierra.

MS. BERRIGAN: Good morning. Hello, Chair Sinenci, Vice-Chair Johnson, and Honorable Members of the Water Authority, Social Services, and Parks Committee. My name is Sierra Berrigan, and I'm a sophomore at King Kekaulike High School. It's really difficult...sorry. It's really difficult to go to school with so much vaping happening. For instance, we do not have a ton of bathrooms open at King Kekaulike due to graffiti, and of those bathrooms that are open, there is a lot of hotboxing and vaping happening in there...as well as Greenlee talked about, classrooms. There's vape exchanges happening that I've seen, and I have, on multiple occasions, been offered vapes. Now, I don't blame the kids that are vaping. It is very obviously marketed towards them in the vape industry, and vapes are very enticing. I mean, they smell good when you pass by them. They're nice and sweet, and I believe that passing Bill 156 with a flavor ban may help many people to not be as enticed, and lead to a better environment at our school. Thank you.

CHAIR SINENCI: Oh, we have a...we have a question for you, Sierra. Member Cook.

COUNCILMEMBER COOK: Thank you for your testimony. My clarifying question, what is hotboxing?

MS. BERRIGAN: It's basically like what Greenlee talked about, where you close all the windows and all the doors, and you vape so that there's so much vape air that it's just...like completely fills the entire atmosphere. So, like kids like to do that in bathrooms, and you walk in there, and it's just...I mean, if you need to use the bathroom at school, you have to go to the nearest bathroom. And if that's a hotbox bathroom, it's just very unsettling to walk in there and be greeted by just a huge atmosphere of clouds of vape smoke.

COUNCILMEMBER COOK: So, for clarification, you're kind of like vaping if you're not vaping just because you're there?

MS. BERRIGAN: Yeah. Basically, you're breathing in so much dirty air from the vape.

COUNCILMEMBER COOK: Thank you for your testimony.

CHAIR SINENCI: We have another question for you.

MS. BERRIGAN: Okay.

CHAIR SINENCI: Member Sugimura.

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COUNCILMEMBER SUGIMURA: Thank you. Thank you, Sierra. So, you mentioned in your testimony about bathrooms are closed because of graffiti. Is that what you said?

MS. BERRIGAN: I believe it's because of graffiti. I could be wrong though. But there are many bathrooms on King Kekaulike campus that are closed.

COUNCILMEMBER SUGIMURA: Just because--oh, okay.

MS. BERRIGAN: Yeah.

COUNCILMEMBER SUGIMURA: That's . . . *(inaudible)* . . .

MS. BERRIGAN: I'm not 100 percent sure it's because of graffiti. I'm sorry if that was a confusion.

COUNCILMEMBER SUGIMURA: Thank you.

MS. BERRIGAN: Thank you.

CHAIR SINENCI: Okay. Any other questions for Sierra? Seeing none. Thank you for your testimony this morning.

MR. PASCUAL: Chair, the next testifier is Avia Alviedo, to be followed by Charley Garo.

CHAIR SINENCI: Good morning, Avia.

MR. ALVIEDO: Good morning to Chair Sinenci, Vice-Chair Johnson, and Committee Members of the Water Authority, Social Services, and Parks Committee. My name is Aria Alviedo, and I'm a fifth-grade student at Pōmaika'i Elementary School. I'm in support of Bill 156. Last year, as a fourth grader when I was nine years old, I had classmates talk about having vapes in their possession. Banning the sale of flavored tobacco products will help me and my classmates have a healthier future. Many use...have been using vapes because they don't understand that it has a lot of chemicals in it and it can harm them. They think that the flavors in it make it healthier, cooler, unharmed. The tobacco company tricks youth into wanting to vape because of the flavors that they have...like our favorite local juices including POG, strawberry-guava, and more. If the flavors don't exist, it would help save a lot of lives and help us stay healthy enough to achieve our goals and dreams in life. Thank you for your time and listening to our Maui community.

CHAIR SINENCI: Mahalo for your testimony. Members, any questions for Aria? Seeing none. Thank you.

MR. PASCUAL: Chair, the next testifier is Charley Garo, to be followed by Leslie Garo.

CHAIR SINENCI: Good morning, Charley.

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MR. GARO: Aloha, Chair Sinenci, Vice-Chair Johnson, and Committee Members of the Water Authority, Social Services, and Parks Committee. My name is Charley John Garo, and I'm a ninth grader attending Maui High School. I'm in strong support of Bill 156. I began seeing peers and classmates vaping since sixth grade when I was at Maui Waena Intermediate School. As a current freshman in a new school, I see even more students vaping. They vape in the bathrooms and around the school campuses. The vapes are easy to hide, so they don't get caught as often. Even though you don't get caught, the harmful effects to their health cannot be hidden. A lot of people I know say that they started vaping because it smelled good or tasted good. This is because there are so many flavors. The flavors are very inviting to youths especially with the names similar to: fruits, candies, juices, and mints. Please pass Bill 156. This will be a crucial step to help protect youth like myself and my classmates. Without access to flavored tobacco products, we would be able to improve our mental health, enjoy our hobbies, and work toward careers that help serve the community. Thank you for your time and listening to our Maui community.

CHAIR SINENCI: Mahalo, Charley, for your testimony this morning. Members, any questions for Charley? Seeing none. Thank you.

MR. PASCUAL: Chair, the next testifier is Leslie Garo, to be followed by Kristin Mills.

CHAIR SINENCI: Aloha, Ms. Garo.

MS. GARO: Aloha, Chair, Vice-Chair, Members of the Committee. My name is Leslie Garo, and I represent Hawai'i Public Health Institute as their Maui County Tobacco-Free Coordinator. We stand on our written testimony in support of Bill 156, and respectfully request a few minor amendments to be made so that law can be implemented in a way that aligns with the intent of the bill. In summary, our proposed changes will ensure that the language is comprehensive enough that both existing and future tobacco products are covered, closing any loophole the tobacco industry may exploit. We also want to make sure we're holding those who profit from selling these deadly products accountable. They're quite technical, so please refer to my written testimony for the specific language. We appreciate the opportunity to testify on this very important measure, as there is widespread community support for Bill 156. A survey from December 2023 found that 73 percent of registered voters in our...our Maui County were in support of law prohibiting all flavors, including menthol, of tobacco products and e-cigarettes. Seventy-six percent of those voters said that school-aged children vaping or using e-cigarettes is a major problem, and 73 percent of them believe that the use of e-cigarettes or vaping devices is harmful for Hawai'i's children, teens, and families. It is evident that there is a huge problem, and the lives of our youth are at risk. Specifically, the youth of Maui have endured numerous challenges, hardships, and tragedies in the past few years. They have potential to be our future leaders, but with flavored tobacco being so accessible for these youth, they won't be able to live up to their full potential and help shape the future of Maui. Thank you for the opportunity to submit testimony in support of Bill 156. By passing this legislation with the suggested amendments, the County sends a strong, clear message to the public that Maui County is committed to uplifting the health and wellbeing of its residents, and

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showing that community health is way more important than tobacco profits. Thank you.

CHAIR SINENCI: Mahalo, Ms. Garo. We have a question for you from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Ms. Garo. So, you mentioned amendments, and--which wasn't...it...it's not in the bill right now. And if we don't pass...if we pass the bill without the amendments, you do not want us to go forward?

MS. GARO: We are...thank you, Councilmember. We are okay with that, but like I mentioned, the...the bill that we initiated from then until now, there have been some loopholes that we're discovering. You know, the tobacco industry is...is always updated, and we do want to make sure that we close those loopholes as best as possible.

COUNCILMEMBER SUGIMURA: So, then our bill...if...if we pass it without the amendments, we're going to be different than what was projected from whatever Big Island passed and City & County of Honolulu passed.

MS. GARO: Correct, as of now.

COUNCILMEMBER SUGIMURA: And are you saying then that it would not be a bill you would want us to pass if we didn't do the amendments?

MS. GARO: We would still...because of the importance of the situation, we would still like the bill to be passed, even if it is as-is, but again, just to close those loopholes. You know, the tobacco industry continues to...to hear and feed off of those that want to make a difference and change the health and our future, and it would be important to...to close those loopholes as best as possible.

COUNCILMEMBER SUGIMURA: Last question.

CHAIR SINENCI: Go ahead.

COUNCILMEMBER SUGIMURA: So, would you then...if this does pass as-is without the amendments, when you go before the Legislature, would you then propose the amendments as a comprehensive bill to then strengthen whatever you're trying to achieve, and say that sitting...that Maui County passed this bill and supports it because of our youth and all the wonderful things that were just said. But you would be able to handle that in...when you propose a bill at the Legislature?

MS. GARO: Correct, yes. Again, we would be very appreciative to...to pass Bill 156 as-is, and if that was our only option, we'll take it and...and do our best we can as we prep for the State. Thank you so much.

CHAIR SINENCI: Mahalo, Member Sugimura. Any other questions for Ms. Garo? Do you have support at the Legislature to introduce the bill?

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MS. GARO: As of now, yes.

CHAIR SINENCI: Oh, okay.

MS. GARO: We're working on it, yes. Thank you so much.

CHAIR SINENCI: Okay. Thank you very much.

MR. PASCUAL: Chair, the next testifier is Kristin Mills, to be followed by Katie Folio.

CHAIR SINENCI: Aloha, Ms. Mills.

MS. MILLS: Aloha. Aloha. Okay. Let me turn this...aloha, Committee Chair Sinenci, and Chair [sic] Johnson, and Honorable Members of the Water Authority, Social Services, and Parks Committee. My name is Kristin Mills, I am a resident of Pukalani, and a parent of a former...or graduate of King Kekaulike High School, and a current King Kekaulike High School student, as well as a health educator. As a health educator, I work hard to encourage folks of all ages, especially kids, to live healthier and stay away from harmful substances. But education isn't enough. Historically, strong public-health policies have been at the forefront to help protect people from harms, especially our keiki. Before the law prohibiting tobacco use in restaurants and...and businesses, we had much higher tobacco-use rates. So, as you all know, policies work. So, once again, we need Maui County to protect our youth against the harms of tobacco products by passing Bill 156. Youth love their sweets. Further, it's normal for youth, especially teens, to explore and try new things. It's part of becoming an adult, right? But this exploration shouldn't lead to lifelong addiction and multiple harms to the body and brain. Because what they are exploring with is, one, addictive; and two, negatively affecting their still-developing brain. And these flavored tobacco products with over 15,000 flavors to choose from definitely are meant to attract our Hawai'i youth. Here's just a few examples of flavored vapes: Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Roll, and Halawa Guava. What age group do you think that these are marketed for? I will skip the data and the health effects since those were already discussed by Ms. Tamashiro, but in general, the flavors attract kids, the nicotine addicts them, and the health effects are numerous. We need a flavor ban for all tobacco flavors, including menthol and other minty flavors. Let's be part of the solution. Please support Bill 156 and prohibit the sale of all flavored tobacco products in Maui County. Please protect our keiki from a lifelong addiction, as well as the multiple harms to their body, brain, and mental and emotional health. Over 360 other localities have already restricted the sale of flavored tobacco products. Let's add Maui County to that list. Thank you very much.

CHAIR SINENCI: Mahalo, Ms. Mills. Members, any questions for Ms. Mills? Seeing none. Thank you for your testimony.

MS. MILLS: Thank you.

MR. PASCUAL: Chair, the next testifier is Katie Folio, to be followed by Kathleen Hagan.

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CHAIR SINENCI: Good morning.

MS. FOLIO: Good morning. Aloha, Chair and Honorable Members of the Committee. My name is Katie Folio, and I'm the mother of two girls, ages seven and ten. I'm a former teenage smoker, and as a result, a strong advocate for anti-tobacco legislation, especially that which will protect youth. So, I strongly support Bill 156. While I didn't realize it at the time, there were two primary contributing factors to my picking up smoking as a teenager: media and flavors, particularly menthol. No one in my family smoked. I was not influenced by my family to smoke in any way. If anything, I was educated on the harms of smoking, and I knew it was not good for my health. However, I was raised in the era of Joe Camel, and smoking was in movies, television, and smoking ads were posted at eye level in grocery stores and gas stations. Eventually, and without my really being aware of it, the advertising worked. The first cigarettes I ever tried were flavored and menthol. Unflavored cigarettes were not very appealing to me as a teenager, and were very harsh to smoke when I did eventually try them, but flavored cigarettes, including strawberry and vanilla, were very appealing to us as teenage girls. Thankfully, flavored cigarettes, other than menthol, were eventually banned, but I blame menthol for my nicotine addiction, which took ten years to beat. Sadly, menthol is still addicting youth, and it breaks my heart that Maui has the highest rate of teen cigarette smoke...smokers who smoke menthol cigarettes, surpassing the Hawai'i State average. I became an advocate for tobacco control as an adult because of my experience as a teenager and a mother. I don't want to see other kids end up in the same situation, or worse, because of nicotine addiction. I don't want to see my girls end up where I did, or die from cancer too early. I was one of the lucky ones. I was able to quit eventually, but not everyone can, and that is what Big Tobacco and the vaping industry rely on. It's how they are so powerful, how they make such ridiculous amounts of money, by literally killing people, simply by addicting them as early as possible. It's unacceptable, and it needs to stop. We know that tobacco-control legislation...legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation, but our progress is being undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on the market in any form. Vaping products are tobacco products, and most often contain extremely high levels of nicotine. They are designed to make it easier to get addicted to nicotine, creating lifetime users. My friend's son, at seven years old, was carded at a Volcano Vape kiosk at Maui Mall when he approached and asked for a watermelon-apple juice box. He was just a little boy who wanted a juice box and had no idea what he was looking at was actually a highly addictive nicotine product. But the industry knows exactly what they are doing. Knows that in order to have customers for life, they need to addict kids to nicotine when they are young, and they are doing it very much on purpose. I want to see this bill passed for the sake of our kids and their futures. Please let this be the year that Maui takes this much-needed step. We thank you for listening to our health experts and organizations, and to our youth who have been asking for these protections for years. I would also say that just hearing the MPD's take on enforcement, that I think it's worth figuring out those logistics. We did it before with cigarettes, I feel like we can do it again with vaping. Mahalo.

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CHAIR SINENCI: Okay. Thank you. Members, any questions for Ms. Folio? Seeing none. Thank you for your testimony.

MR. PASCUAL: Chair, the next testifier is Kathleen Hagan, to be followed by RJ Arconado.

CHAIR SINENCI: Good morning.

MS. HAGAN: Aloha. Good morning, Chair Sinenci, Vice-Chair...Vice-Chair Johnson, and Honorable Committee Members. My name is Kathleen Hagan, and I am here to testify in support of this bill. I have submitted written...written testimony as well. I really applaud the youth for showing up today. I do have a daughter who is 15 years old. She's at school right now. She did submit written testimony, but she was hesitant to come in person. There's a lot of peer pressure. Again, it takes a lot of courage to speak up. I'm also a teacher. I teach nursing, and I'm a nurse practitioner and have experience with cessation, so I'll speak to just a few points around those. I'm also a public health student, so my passion is really prevention, and going upstream and getting to the source, primary prevention. So, we have heard and we've seen that the marketing strategies of the tobacco companies are brilliant. They hook our kids when they're young with flavors, and then the nicotine keeps them addicted, and they have lifelong customers...that is, until they die. We do know that smoking is the number one cause of disability, and disease, and death in our country, and about half the people who keep smoking will end up dying from the disease. When I teach health promotion to our nursing students, the example I use is actually tobacco and smoking, again, because it is the number one preventable cause of disease and death in our country. So, I was trained at the Mayo Clinic in Minnesota as a Tobacco Cessation Counselor, as are thousands of people each year, and I had some opportunities. I did an internship at Mālama, as well as did some referrals from the Hui, and it is really hard to quit smoking. You know, again, this is an opportunity. We...most people, they've actually determined that about half of people who currently use e-cigarettes want to...want to quit, and about a third have made a very sincere effort to quit smoking within the last year. So, once they're hooked, it's really too late, it's too hard, it's too resource-intensive, and too stressful, you know, especially for our teens and youth who have so many other thing--challenges in our society. So, again, opportunity to go upstream, prevent them from starting in the first place, is really the opportunity that we have here. And I'm sympathetic with the Police Department and the regulation issues, but again, we know the epidemic's already here. It's spread amongst 18- to 29-year-olds, 92 percent of them started with flavored cigarettes, flavored e-cigarettes. So, again, we know that it's the flavored e-cigs that are getting them started, and then they're addicted, and then they become a problem in the schools. I heard--talking to youth, who actually didn't go to the bathroom. They held their need to go to the bathroom through the school day because it was too uncomfortable to go into the bathrooms because of the vaping, or the peer pressure to feel like they had to vape. Like, that is not acceptable for us. You know, we need our school to be places of education, socialization. So, again, opportunity to go upstream, and . . .(timer sounds). . . Oh, I'm out of time. Thank you for your time.

CHAIR SINENCI: Mahalo, Ms. Hagan. Members, any questions for the testifier? Seeing none. Oh, we have one question from Member Paltin.

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COUNCILMEMBER PALTIN: Aloha, Ms. Higgins [sic]. Thank you for your testimony. I just was wondering, are you attached to the Police being the enforcement, or does it matter as long as it just gets enforced?

MS. HAGAN: I don't have any particular attachment. Again, my passion is really health promotion, disease prevention, so I would like to see the youth not being tempted. I want to make the healthy choice the easy choice, for them to not have these flavored e-cigs literally in their lungs, in their faces, tempting them. So, it's outside of my area of expertise how that happens.

COUNCILMEMBER PALTIN: Thanks. It's a little bit outside of mine, but I'll...I'll...I'll do my best.

CHAIR SINENCI: Okay. Mahalo --

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR SINENCI: -- Member Paltin. Any other questions for Ms. Higgins? Thank you for your testimony.

MS. HAGAN: Thank you.

MR. PASCUAL: Thank you, Chair. And apologies, Ms. Hagan, for mispronouncing your name. The next testifier is RJ Arconado, to be followed by Jen Mather.

CHAIR SINENCI: Is RJ here?

COUNCILMEMBER SUGIMURA: He's the one . . . *(inaudible)*. . .

CHAIR SINENCI: Oh, online?

COUNCILMEMBER SUGIMURA: There he is.

MR. ARCONADO: Aloha, Chair Sinenci, Vice-Chair Johnson, and Members of the Water Authority, Social Services, and Parks Committee. Thank you for the opportunity to testify in support of Bill 156. I'm doing so at school during class time because I believe this matter is so important. My name is Jay *(phonetic)* Arconado, I'm a senior at Lahainaluna, and today I'm representing the Coalition for a Tobacco-Free Hawai'i Youth Council. We stand on our written testimony, but I did want to add that new research from Truth Initiative finds that the overwhelming majority, more than 86 percent of e-cigarettes on the market, are illegal products. The Food and Drug Administration has granted marketing orders for only 34 products from the companies: NJOY, Vuse, and Logic brands. And had made it clear that they are only....that they are the only e-cigarettes that are currently made--lawfully sold in the United States. And when walking past several convenience stores that sell these e-cigarettes, and even at stores at a local mall, we see these illegal e-cigarettes products up for sale. And I've seen

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firsthand the negative effects of e-cigarette's use. I have a couple of friends that vape, and a majority of them thought it was cool or were drawn from the effective marketing these companies have. A former friend of mine became so dependent on their e-cigarette that it became a form of life support, and when...and believed that it was the best way to cope with stress. And after they lost their blue-raspberry-lemonade-flavored vape, they panicked and worried about how they would get through the day without it, and they accused a few people, myself included, of taking it and hiding it and...and even attempted to get physical. To this day, an individual who I thought was one of my best friends has never apologized for their actions. What was clear in that moment, though, was that their priority was not our ten years of friendship, trust, or respect, but their access to a puff of an e-cigarette. This level of this dependency is deeply concerning. We should be able to get through our day with breathing clean, fresh air, and not relying on a device to get by. And this is why it's so important for Maui County to pass a bill to prohibit the selling and marketing of all flavored tobacco products, and hopefully for the State to restore the County's authority to regulate tobacco sales. We can't depend on the federal or state government to protect Maui residents, so we need to be able to do that ourselves. Thank you for your support and listening to Maui youth.

CHAIR SINENCI: Thank you, RJ, for your testimony. Members, any questions for AJ...RJ, excuse me. We have a question for you from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much for doing the video that came to us. So, appreciate --

MR. ARCONADO: Thank you for watching it.

COUNCILMEMBER SUGIMURA: -- your enthusiasm. Yeah. Very well done. Thank you. Nothing else.

CHAIR SINENCI: Okay. Thank you. Staff?

MR. PASCUAL: Chair, the next testifier is Jen Mather, to be followed by Jill Tamashiro.

CHAIR SINENCI: Aloha, Ms. Mather.

MS. MATHER: Aloha. Aloha, Chair Sinenci and Committee Members. My name is Jen Mather, I'm a resident of Wailuku, and saying that is strange, but it's true these days. I'm the founder and current president of the parent-teacher organization of King Kamehameha III Elementary, but I'm actually speaking as an individual, so not on behalf of the organization. First, I'm just always amazed and, like, totally uplifted by the ōpio who lend their voices to the civic process, and I always feel a little bit inadequate, like, going after them after listening to their input, but I am offering testimony in support of Bill 156 this morning. I...I think in previous...if I remember correctly, previous state legislative sessions, we were told, hey, counties, no touch this, this is, like, state-level issues, or hey, state legislation's got it. But I think it's important, like Chair said, that if there should ever be a change in the HRS regarding this issue, counties can, like, already have preemptively this in place to continue to protect our youth, right? And

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then in turn, the health and the welfare of our adult populations going forward, like other testifiers alluded to. I'm a mother of two teenagers who I...I completely trust, as any parent hopes to be able to do, that they would never be tempted by flavored tobacco products. But, like, their reptilian brain, right, at this time in their development is super strong, and the temptation and the peer pressure is, like, a real thing. And so, I don't want them to be tempted and to...to have this potentially lead to adult addiction. And I'm not an expert, you know, I'm just a parent who worries about, like, every little thing. So, all the things, I worry about all of them, so if I can speak to them, I will. And I do recognize the issue about enforcement. I think that's a main issue regarding everything nowadays, right, is who's going to be able to enforce this? So, whether it's the Police or another organization or something, having enough staff and financial resources to do that, to enforce measures like these. But I...I would urge you to recommend passage of Bill 156 through Committee to the full Council. So mahalo nui for your continued commitment to the health and wellbeing of our Maui community. Mahalo.

CHAIR SINENCI: Mahalo, Jen, for your testimony this morning. Members, any questions for Jen? Seeing none. Thank you.

MR. PASCUAL: Chair, the next testifier is Jill Tamashiro, to be followed by Jaime Rojas.

CHAIR SINENCI: Did Ms. Tamashiro want to...to provide additional information? Or just --

MS. TAMASHIRO: Actually, I'm just going to stand on our written testimony, Chair. Thank you. And just to reiterate, I'm not going to repeat any of the statistics that I shared earlier, but I just wanted to reiterate just that addiction is on the rise according to our statistics, as seen in the 40 percent and 30 percent of high-school and middle-school youth that report...report frequent vaping, and that in conjunction with the fact that the e-cigarette industry is rapidly evolving, now adding new forms of addiction, such as smart vapes which have, you know, gaming technologies and smartphone technologies associated, which sort of compounds the addiction factor. So, again, I agree with all the prior testimony, that the youth and the community members have the most compelling things to say about this. But just standing on our written testimony in support of Bill 156, and just thank you for the opportunity to testify.

CHAIR SINENCI: Mahalo, Ms. Tamashiro. And when we get to the Q&A section of the meeting, we...you may have some questions. Staff?

MR. PASCUAL: Chair, Member Paltin did have her hand up.

CHAIR SINENCI: Oh, my apologies. We have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Tamashiro. I just wanted to clarify what you had said about the smart technologies. Like, my phone, when I get in my car, asks me if I want to call my husband before I'm going home. So, is it like that kind of thing? Like it anticipates...or when people usually vape and, like, tells them, hey, it's a good time for a puff, or how does that smart technology work in...in...with an e-cigarette?

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MS. TAMASHIRO: Right. So, thank you for your question. I...what I do know is only from the data that was shared to us nationally. I don't have personal experience. So, the information that was shared about the smartphone technologies on the new vaping products are new. The...the examples that were shared with me was like notifications of battery levels...again, other interactive features. So, whether or not it has evolved to the...to that point yet I'm not entirely sure, but it seems to be heading in a similar direction. I know there's others, like, in the audience that have more hands-on experience with it.

COUNCILMEMBER PALTIN: Maybe like the Starbucks app...like, your flavor is on sale today or something --

MS. TAMASHIRO: Right. . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: -- like that. Well, I'm glad you don't have any first-hand experience. I...I obviously don't either. Thank you.

MS. TAMASHIRO: . . .*(laughing)*. . . Sure.

CHAIR SINENCI: Mahalo, Member Paltin. No other questions? Staff?

MR. PASCUAL: Chair, the last testifier is Jamie Rojas.

CHAIR SINENCI: Good morning.

MR. ROJAS: Aloha, Chair. My name is Jaime Rojas. Wanted to make a quick testimony on the issue at hand. I represent the National Association of Tobacco Outlets, which represents many of the retailers in the region. As we already know, it has been mentioned before, it's...it's--the state's preemption law, it ensures consistent state-level tobacco regulations, and our curiosity with many of our members is, why is it coming up to the local level? But as we already know, it's already illegal to sell to anyone under the age of 21 years old. In...in addition to that, we're very supportive of higher penalties. We're very supportive of law enforcement and youth sting operations in order to catch bad actors in the industry. In addition to that, annually, sting operations are done throughout the region and across the country as well. We have a retailer rate of over 90 percent success rate throughout the years...and again, very supportive of more enforcement and higher penalties for bad actors. We also want to show that flavor bans do not work. We see them in California, we see them in the State of Massachusetts. What that...what it does is bring back the illicit market, and not allowing retailers who are the last stepping stone in order for checking of IDs and...and stopping youth from capturing any of these products that are not for them. And lastly, we look at this as an overreach of government. It's a very highly-regulated industry, and adding a ban, as we've seen before, does not work. We hope that the...that the Committee will take this into consideration, and we appreciate your time. Thank you.

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CHAIR SINENCI: Mahalo, Mr. Rojas. We have a question for you from Committee Vice-Chair Johnson, and then Pro Tem Kama.

VICE-CHAIR JOHNSON: Thank you, Chair. Good morning, Mr. Rojas. I appreciate your testimony. Are you a registered lobbyist for that...that group you mentioned?

MR. ROJAS: Yes, I am.

VICE-CHAIR JOHNSON: Okay. Yeah, usually we...we like to know that upfront before your testimony, so thank you for informing us. Did you...did your organization donate any campaign this...this election season to State reps?

MR. ROJAS: No. It goes against our charter at all to...to give money to any elected officials.

VICE-CHAIR JOHNSON: Okay. Thanks for that clarification. Thank you, Chair. No further questions.

MR. ROJAS: You're very welcome.

CHAIR SINENCI: Mahalo, Committee Vice-Chair. Next, we have Pro Tem Kama, followed by Member Paltin.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Rojas, for being here. So, I was very happy to hear that you're okay with increasing your fines and penalties. So, within the legislation itself, it says for the first violation, it's \$1,000 for the first day and \$2,000 for each day the violation continues beyond the first day. And then for a second or subsequent violation, it's 2,000 for the first day of the violation, 5000 for each day the violation continues. So, are you okay with increasing all of those numbers?

MR. ROJAS: We are okay with that just being the ordinance, we are not okay with the flavor ban.

COUNCILMEMBER KAMA: Okay. Thank you.

MR. ROJAS: Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR SINENCI: Mahalo, Pro Tem Kama. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Mr. Jaime. I was wondering, what kind of self-regulation do you guys do?

MR. ROJAS: Many of our members--for example, I'll use 7-Elevens--do a secret customer drive-bys where randomly, throughout the year, where they come in, in addition to what the state and federal agencies already do, is kind of a...of a customer operation where they verify that...that IDs are checked. If they're not, they'll be getting a letter from

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corporate indicating when and where it took place, the...the illegality. In addition to that, we make sure signage is done throughout the store. And one of the reasons why, by law, on a national level, tobacco products are sold behind the cash register, unlike beer, wine that can be sold in...in refrigeration next to sodas, milk. And this was passed over 20...21 years ago with a federal regulation on products, including marketing in magazines, bus stops, as we see. Remember Joe Camel? That's nonexistence [sic] because of Federal law that passed 21 years ago.

COUNCILMEMBER PALTIN: Thank you for elaborating that. I believe it's also illegal to sell candy that acts or looks like cigarettes and stuff like that, but I frequently...my kids want to go to the sugar store in Kā'anapali, and also O'ahu, and they're still selling that. And it's--you know, I reported it to the Department of Health, and it's still ongoing. So, do...does your organization have any plans to help with the enforcement on that?

MR. ROJAS: We...we do our best in order to educate our...our members, as well as employees, through guides and annual information updates. As always, we can't be everywhere at the same time as local government and state and federal as well, but we completely support increases in tobacco retail licensing in order to support more enforcement. Our goal as members, our goal as retailers, is to minimize any...and enforce laws at...at--as best as possible.

COUNCILMEMBER PALTIN: Okay. Thank you. I'll yield. I don't know that you're doing a great job, but okay.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MR. ROJAS: I agree...I agree, thank you so much, in...in regards to also, government lack of enforcement. So, it...it...it--we ask the support of both the State to work with the business community in order to improve both sides of enforcement.

CHAIR SINENCI: Okay. Mahalo. We have one more question for you from Member U'u-Hodgins, and then Member Sugimura. Two questions. And then --

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, Mr. Rojas. Can you please remind me what organization you are lobbying for?

MR. ROJAS: The National Association of Tobacco Outlets. The acronym of NATO.

COUNCILMEMBER U'U-HODGINS: Do you guys also regulate online sales, or just in-person?

MR. ROJAS: We cannot regulate online. That's only done by the Federal Government.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROJAS: And most --

COUNCILMEMBER U'U-HODGINS: Can I ask you --

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MR. ROJAS: I'm sorry. Oh.

COUNCILMEMBER U'U-HODGINS: Yeah, go ahead.

MR. ROJAS: I was going to say and just...and just most of our members are brick-and-mortar, and most of them --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROJAS: -- do not sell online. So, we can't control online.

COUNCILMEMBER U'U-HODGINS: Okay. And then you gave that self-regulation, and you used 7-Eleven as your option, but there's lots of vape shops. What about those other ones that are not, like, 7-Eleven or Minit Stop? But there's, like, some in Pā'ia, there's some in Makawao. I see them everywhere. What kind of regulation do those other individual shops abide by that are not a chain?

MR. ROJAS: You're--very good question. The Master Settlement Agreement, which I was trying to...which I had mentioned earlier, which passed federally 21 years ago, was focused on cigarette and tobacco before vape came out. Unfortunately, Federal Government is going through a PMTA process, which is a pre-marketing process, that started a little over two-and-a-half years ago. Throughout that process, applications had to be sent by manufacturers in order to see what exactly was in those vape products. In two-and-a-half years, only 34 products have been approved by the FDA. And...and as we know, the FDA is the expert on these types of issues. Over...over hundreds of applications were submitted, and they're...because of the process being slow in process, as well as lack of staff, only 34 products have been approved by the Federal Government. So, the issue of illegal products being out there, especially we've seen--and if anyone can Google--we've seen products coming from other countries, China for example, Mexico, which have been not approved by product...by...excuse me, by the local, state, or federal governments.

COUNCILMEMBER U'U-HODGINS: When you --

MR. ROJAS: Our --

COUNCILMEMBER U'U-HODGINS: When you say products, what do you mean by products? Do you mean like the actual vape itself, or the flavored cartridges?

MR. ROJAS: Both.

COUNCILMEMBER U'U-HODGINS: Okay. How do you explain if that there's 15,000, if only 34 have been approved?

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MR. ROJAS: Well, many of our members aren't vape shops, one and foremost. Most of our convenience stores, gas station, mom-and-pop retailers to more corporate gas stations like Chevron, 76, or a 7-Eleven, for example. Most of these --

COUNCILMEMBER U‘U-HODGINS: Um-hum.

MR. ROJAS: -- these vape shops are not our members, and most of them have been coming in the...in the market within the past decade.

COUNCILMEMBER U‘U-HODGINS: Okay. So, who are your members then? And sorry, Chair.

MR. ROJAS: Oh, absolutely. I just --

COUNCILMEMBER U‘U-HODGINS: Who are your members?

MR. ROJAS: As I just...as I just mentioned, there's small mom-and-pop independent stores, convenient stores, liquor stores, gas stations like a 76, Shell, Chevron. Those are our members.

COUNCILMEMBER U‘U-HODGINS: Okay. Okay. Thanks. Thanks, Chair.

MR. ROJAS: Thank you.

CHAIR SINENCI: Okay. Mr. Rojas, we have a question for you from Member Sugimura, and then Member Cook.

MR. ROJAS: Yes, sir.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Rojas. So, are you in Hawai‘i?

MR. ROJAS: I am not.

COUNCILMEMBER SUGIMURA: Oh, so you're testifying from across --

MR. ROJAS: Yes. As I...as I mentioned before, we're a national organization.

COUNCILMEMBER SUGIMURA: Right.

MR. ROJAS: So, we're involved--our members are around the United States.

COUNCILMEMBER SUGIMURA: So, you have...your members are Hawai‘i-based also, and that--but you don't deal with small mom-and-pops, you basically handle, like, the 7-Eleven or the big stores, and not necessarily the small guys?

MR. ROJAS: No. As I mentioned before, we also have independent stores as well, the mom-and-pops.

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COUNCILMEMBER SUGIMURA: Okay. And testimony--we've heard from others about enforcement. So, what is your recommendation for enforcement?

MR. ROJAS: I think it...it...it's a...it's a multi-layered process. It involves government working with retail stores in the business community to be able then to enforce the current laws. We understand there's lack of funding both on the local, state, and even federal level. We see youth sting operations are done by the state, as well as by Federal Government, and sometimes in tangent, that are done annually. Our members, through education as well of both the owners as well as the employees, so it's on an annual basis. And we enforce-- and we support larger penalties because we try to get bad apples out of the system.

COUNCILMEMBER SUGIMURA: Thank you. I hope that we pass this bill and that we protect the youth that we heard from today. So, thank you.

CHAIR SINENCI: Okay. We have another question for you from Member Cook.

COUNCILMEMBER COOK: Thank you, sir. My...my question is, if there's approved 34 products, and there's many products who are outside of the regulatory process, from your professional opinion, what is your advice to regulate these unregulated vape shops and all of the other products that are being problematic for our youth currently?

MR. ROJAS: A combination of two things, and...and I think is an update on education outreach from elementary through high school where--on tobacco education where most of it is done on cigarettes only and not...and has not been updated, for the most part, on the issues of vape products and it's elements. I think there needs to be a sit down with both local, state, and federal government to work with business communities and enforcement of the...of the issue.

COUNCILMEMBER COOK: Okay. Well, I asked your opinion. Thank you. It doesn't...from the testimony we're getting and the relatively broad-based usage by our youth locally, I think that's a little cumbersome and not going to work. Anyway, thank you very much for your testimony. I appreciate it. Thank you, Chair.

MR. ROJAS: Thank you, sir.

CHAIR SINENCI: Mahalo, Member Cook. Members, any other questions for Mr. Rojas? Seeing none. Thank you for your testimony.

MR. ROJAS: Thank you.

MR. PASCUAL: Chair, we do have one more individual signed up via phone, last four digits...digits 7709.

CHAIR SINENCI: Good morning. Can you go ahead and unmute and identify yourself?

MS. COCHRAN: Aloha, Chair Sinenci. It's Elle Cochran. Can you hear me?

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COUNCILMEMBER SUGIMURA: Yes.

CHAIR SINENCI: Yes, we can hear you.

MS. COCHRAN: Oh, okay.

CHAIR SINENCI: Good morning.

MS. COCHRAN: Thank you. Hi, good morning. I was listening to the meeting, and so I needed to chime in. I'm not quite ready to...for you guys to see me physically, so I'll--you'll hear me verbally. So, as State Representative Elle Cochran, I've seen multiple bills try and make it through the State Legislature, and unfortunately, they have not passed, as stated in some testifiers this morning. So, I just want--if there's a way that maybe each and every one of you--I do know...I'm not going to drop names--there are representatives who take campaign donations from companies--vaping companies, e-cigarette-type companies. So, I'm just, you know, thinking that perhaps they...since they take campaign donations for such companies, they are beholding [*sic*] to, you know, support them. And I have looked up people's donations and saw, so that's how I know I can confirm what I'm saying. So, I just wanted to put that out there, but know that I am in your court, I am returning to the Legislature in January and will be tracking, and here to support your folks' efforts, too. So, I just want to--it's very alarming to hear that Maui County has the highest, you know, teenage and keiki youth at third, second grade. That's just beyond alarming. So, let's...I just want to reaffirm and assure you that I am here to support your efforts too. So, mahalo, and thank you for having me on today.

CHAIR SINENCI: Thank you, Elle. Members, any questions for Ms. Cochran? Seeing none. Thank you.

MS. COCHRAN: Okay. Mahalo. Aloha.

CHAIR SINENCI: Aloha.

MR. PASCUAL: Chair, that is all the individuals signed up to testify. If there is anyone in the audience or on Teams who would like to testify, please come up to the mic and begin your testimony. or use the raise-your-hand function on Teams and Staff will unmute you. Here's the countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR SINENCI: Okay. Thank you. Members, any objections to closing public testimony at this time?

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY FOR WASSP-15. . .

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CHAIR SINENCI: Okay. And then we're reaching our mid-meeting mark, but before we do, we need to maybe ask one question. I'll go to Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. For my discussion on this, I just wanted to remind Members that on this past Friday, with our vote to support the HSAC package, this is one of the bills to allow the counties to take back that control. So, I'm not sure if...if everyone realized that that was one of the package items, but it is a part of our HSAC package, to give the control to the counties.

CHAIR SINENCI: Okay. Mahalo, Member Paltin. With that, Staff, can we take a ten-minute break? Was that a question?

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

CHAIR SINENCI: Committee Vice-Chair Johnson, do you have a question?

VICE-CHAIR JOHNSON: Oh, okay. Sure. If Ms. Tamashiro is on the call, I'd like to ask her this question, and then if...if...if she wants to punt the ball, there's other people. But I figure--Ms. Tamashiro, can you speak on the root causes of why kids are vaping? What's...why the increase? Is it because it's cherry-flavored, or is because of stresses, is it family life? Is it...you know, I...that's where I...I kind of want to go to the root cause.

MS. TAMASHIRO: Well, I'd say it's all of the above. But again, as I mentioned earlier, the flavor aspect is the enticement piece, it's the part that actually gets them to put it in their mouth, you know? And the marketing, the...the new technologies, you know, that's probably, like, the latest trends these days is technology, and so that's what really grabs the youth in the first place. And you have a lot of mental health issues going on too, so there's a belief that, you know, it helps with stress when in actuality, it actually exacerbates it. So, then we also know that there's a social factor involved. So, a lot of kids say they get it from their older siblings, older family members. So, if there was...for example, during the pandemic, if there was any sort of dip or drop, like, between 2019 and 2021, it could be related to the fact that everybody was isolated and there was no social interaction. So, we saw a lot of risk behaviors drop in that period. So, as far as root causes, I think there are other . . .*(inaudible)*. . . that you mentioned play a factor.

VICE-CHAIR JOHNSON: That's fascinating, that when we were isolated, the vaping went down. I thought it would be the opposite, right? You know, you're stressed out, you're home alone, you reach for the pen. But you're saying it was the peers that are pressuring them. You know, the story that RJ brought up and the kids in the school, that just blows my mind that they can't go to certain bathrooms, and then some of the bathrooms are closed because of graffiti. What is going on at our schools? And then RJ says that one of his friends, he...it's a way he...quote, unquote, he or she dealt with stress. So, they're misinformed, according to you, Ms. Tamashiro, that's actually increasing their stress. So, where's the outreach, where's the education, where is the...the...the things that we can do to kind of, you know, dispel this? I mean, I just can't believe those stories at school. It really blows my mind that it's that...I guess, this is just--I have a

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lot more to discuss, Ms. Tamashiro, but right now, do you want to respond to any of that?

MS. TAMASHIRO: So, the comment about needing more education, there always needs to be education, but education is not the...the answer. There...it's a multi-pronged solution to this really big issue. So, education is already well underway. . . .*(timer sounds)*. . . The Coalition for a Tobacco-Free Hawai'i is very active, and has been for several years...very active with education, but that's only one part of the equation.

VICE-CHAIR JOHNSON: You're saying --

MS. TAMASHIRO: An important part, but it's only one part. Yeah.

VICE-CHAIR JOHNSON: Okay. Thank you. Thank you, Chair.

MS. TAMASHIRO: Okay.

CHAIR SINENCI: Yeah. You're welcome. Okay. Members, at this time, we'll take our mid-meeting break, and we'll come back at 10:40. The WASSP Committee of Monday, November 18th, is now in recess. . . .*(gavel)*. . .

RECESS: 10:27 a.m.

RECONVENE: 10:41 a.m.

CHAIR SINENCI: . . .*(gavel)*. . . Will the WASSP Committee meeting of Monday, November 18th please come back to order. Thank you, Members. It is now 10:41, and we can continue with our Q&A section of the meeting. Next, we have Member Tom Cook.

COUNCILMEMBER COOK: Thank you, Chair. I don't know who to direct the question to, but it would be when they say any menthol...any flavored tobacco product, does that include conventional menthol cigarettes?

CHAIR SINENCI: Ms. Tamashiro?

COUNCILMEMBER COOK: Mrs. Tamashiro?

MS. TAMASHIRO: Are you referring to the bill, or in general?

COUNCILMEMBER COOK: No, I...I'm...I'm curious if this bill...because it says prohibition, intent to offer sale a flavored tobacco product. And I'm curious if that is also, like, Kool Milds and regular cigarettes that are already being sold, or is this only for flavored . . .*(inaudible)*. . .

MS. TAMASHIRO: My under...oh, I apologize. My understanding is that it's for all flavored tobacco products, including combustible cigarettes, but if there's somebody that knows better and can correct me. So, that's --

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COUNCILMEMBER COOK: Okay. Thanks.

CHAIR SINENCI: Okay.

COUNCILMEMBER COOK: I have about 500 friends going to give me heat on that. Thank you. But that's my...that's it, Chair.

CHAIR SINENCI: Okay. Mahalo, Member Cook. Next, we have Pro Tem Kama.

COUNCILMEMBER KAMA: I'm ready to vote, Chair.

CHAIR SINENCI: You don't have any --

COUNCILMEMBER KAMA: I don't have any questions. But I do...Mr. Rojas talked about that he was okay with increasing the fines. So, at the--when the time comes, I want to be able to make an amendment to increase the fines because I think the fines here are too low for what our children are going to end up paying for. So, I want to be able to make an amendment when the time comes.

CHAIR SINENCI: Okay. Mahalo, Member Kama. Next, we have Chair Lee for any questions for our panelists this morning. Is she on?

COUNCILMEMBER SUGIMURA: I can't see her.

CHAIR SINENCI: We'll come back to her. Member Paltin, did you have any questions for our resource persons?

COUNCILMEMBER PALTIN: Yes, please. Miss...I guess maybe Ms. Bonacorsi?

CHAIR SINENCI: Go ahead.

COUNCILMEMBER PALTIN: Okay. In the enforcement part, is the difficulty in finding the places, or, like, writing the ticket and collecting the money, or both?

MS. BONACORSI: A little bit of both. And then also, like, testing the product, the flavors, finding it. Because we already do for children...that are e-cigs, we get them at schools and stuff, we--it's a status offense for them. So, it's finding--like, I guess you can think of it as fireworks. If we see it, we can cite them. Same thing with this. We could cite them. Chances of us arresting them wouldn't be the case because the enforcement, it would...it will be the same like that. There's not enough of us. And if it's us...if it's a business that's still running, now then we get onto that civil part of it. So, it's, like, do we cite them, do we arrest them? It's...it's a little in the gray for us with--regarding that because we're trying to stay out of the civil aspects of it. But...so, it's just a violation, it's not an HRS, it's not a petty...petty misdemeanor or something like that where it's a...you know, it's a full-fledged crime. It's more of a fines. And we don't collect any money.

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COUNCILMEMBER PALTIN: Like --

MS. BONACORSI: We'll just cite them.

COUNCILMEMBER PALTIN: For...for other types of bans that we--or this isn't only for Ms. Bonacorsi, maybe for if there is a Corp. Counsel--if there's other types of bans, like single-use Styrofoam, boogies, or other things like that, I know EP&S does a really good job of tracking them down and fining if they need to. But cigarettes are not really in the EP&S wheelhouse, I would imagine, it's more, like, maybe a Human Concerns one. Is there any option to use a different enforcement-and-fining mechanism than the Police? Like, if not a Police, HC--Human Concerns--or, I don't know, EP&S or something? For Corp. Counsel.

COUNCILMEMBER SUGIMURA: I don't see anybody.

MS. PANNELL: That could be a possibility. You know, typically it is the Maui Police Department that is responsible for enforcing our local laws. But as you mentioned, there are exceptions to that. Sometimes there are other agencies that can help. I don't know one off the top of my head, or--and I certainly can't speak for whatever agency that may be. They would have to, of course, agree to help. But anyway, hope...hope that's somewhat helpful. I can look into it further as well.

COUNCILMEMBER PALTIN: Sorry, was that a lawyer or Ms. Bonacorsi?

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MS. PANNELL: That--hi, this is Selina Pannell . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Oh, thank you, Ms. Pannell. And then would it be legal, like, if...you know, I think the HIPHI folks, or the Coalition for Tobacco-Free Youth. Does it have to be a government agency that are searching it out? Could there be like a partnership if, you know, students who are passionate about it, or parents who are passionate about it, finds the folks, and then turns it into a government agency . . .*(timer sounds)*. . . that would then, like, verify and collect money or something? Oh, and maybe finder's fee.

MS. PANNELL: . . .*(laughing)*. . . You know, sure, that...that's certainly possible. And then also, you know, how a lot of crimes are reported, you know, by third parties who then request assistance...assistance for the formal enforcement.

COUNCILMEMBER PALTIN: Oh, like a hotline or something?

MS. PANNELL: Sure. Yeah.

COUNCILMEMBER PALTIN: Thank you. I think I might've heard a bell.

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CHAIR SINENCI: Yeah. Okay. Mahalo, Member Paltin. Can we go back to Chair Lee for any questions?

COUNCILMEMBER LEE: I just have, yeah, a question, but more of an observation. I...from my experience, I think most people stop smoking because someone they care about asked them to. You know, like, for instance, in my case, years ago, I smoked, and my grandson, when he was, like, four, he...he kept asking me to stop. And eventually, I did it. So, I...I don't know about enforcement because I--maybe we can hear from the Police, but every time I call about illegal fireworks, it's like at the bottom of the pile for...for--right, as far as priority is concerned? I...I don't know if it's practical to expect the Police to be enforcing something like this. Can we hear from them, Chair?

CHAIR SINENCI: Ms. Bonacorsi?

MS. BONACORSI: Ms. Lee, this is Sergeant Bonacorsi with the Police. Yes, you're right, it does go by a priority list. If we see it, you know, fireworks going off, we try to do that enforcement every year around New Year's or--what is it?--Fourth of July. We usually have a team out there. And then if people see it or videotape it, then we can go over there and cite them as well. So, it is a citation. But when it does come in, it's in the area of--a lot of times, when those fireworks--regarding fireworks anyway, it's an area of this. So, when we go, and we're sitting, and we're waiting, and then another case comes up, we got to go over there. So, it's kind of...yeah. We can see in the area of where these fireworks are coming off of, but we also got to, like, find the house. And you guys knows, there is a lot of fireworks during...during that time, Fourth of July, you know, and we try to do our very, very best at that. So, this is going to be kind of along the same lines as that. And since the issue is happening, a lot of it, in schools, and it's already illegal for the kids, you know, I think that's going to be where we can direct this bill or this thing to go towards. Because that is...seems to be the problem, you know? And education is key, I think, for that. I don't know if that answers your question, Ms. Lee.

COUNCILMEMBER LEE: Well, to me, how about thinking of other strategies besides enforcement? You talk about pressure, peer pressure, to...to encourage kids to smoke, to try it, to experiment. How about reverse peer pressure? How about being more creative with the kids to pressure their...or encourage their peers to...to do the right thing? Sometimes...sometimes, you...you know, it...it's thinking of, you know, let's protect our animals. You know, it's...it's some other thing that kids relate to that are...that might be very important to them. So, that's what I'm saying. We're talking about messaging here, and what connects with kids. Because just telling them the bad things about something is not necessarily...they're not necessarily going to internalize that. But when you create a connection between the child and the something you want to stop, a behavior you want to stop, you have to be, I think, more creative in trying to reach that child. I...I just see enforcement--I have so much trouble . . . *(timer sounds)*. . . getting so many things enforced, I can't imagine this being one of them that would be very successful. Thank you.

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CHAIR SINENCI: Okay. Mahalo, Chair Lee. Is Member Rawlins-Fernandez online for her turn questioning?

MS. MACDONALD: Chair, we don't see her online right now.

CHAIR SINENCI: Okay. We can come back to her. We have Member Sugimura, followed by Member U'u-Hodgins.

COUNCILMEMBER SUGIMURA: Thank you. Great discussion, and I think that in general--what is...what's his name, Rojas?--Mr. Rojas. So, he questioned, why are we taking this bill up? And I just want to say to him and the community that because this has been brought up by the organizations, and through Department of Health, they're trying to get this past the legislature and it's not successful, that we wanted to join the...the...the message, and send a message to the Legislature that we--for Maui County, and our islands, and our people--we would like to have this flavor ban. And I would encourage us to pass Bill 156 because of that. And I think it's all of our kuleana, basically--and he's not from Hawai'i, so he wouldn't understand what that means--but it's basically all of our concerns for the health and welfare of our children. What I do want the Police Department to--during the break, I was able to talk to Sergeant--I don't know what your title is, but Stice--Officer Stice, and for the community to hear what they already are doing to help with a lot of different problems, but for...for this in general.

MS. STICE: Hello. Okay. So, I'm an investigator in the juvenile section. In our section, we work with the school resource officers as well. As everybody, in a lot of our positions, we're extremely short-staffed. So, our school resource officers, right now, we only have one covering just the high schools. So, those school resource officers are also--so, for example, Officer Nephi covers Baldwin. He also will hop over and assist 'Īao or Wailuku, so he basically covers Wailuku. And then you have Officer Kincaid to cover Upcountry, including all the schools up there. So, we are very short-staffed, but officers are there, and say they do catch kids vaping. The officer can, you know, either arrest the kid, or...one, and reprimand them and take the vape. So, there is...there is enforcement going on with that in the schools. But I mean, obviously, the numbers are...are...are pretty high, and I think it really needs to come down to, you know, teachers being on it more too, and the schools. I mean, if it's...if it's this bad of a problem, then something needs to happen. One...one...one officer can't go to all these schools and address it. And then as far as the actual stores, our...our unit works with the Department of Health. And quarterly, every year we do operations with them. So, there's UH staff that comes over with a juvenile decoy, and then we have a total of four of our officers from our unit. We go out on a Saturday, and we'll cover different areas of the islands, and go into...it can be specifically vape shops. We'll go to Foodlands, Minit Stops . . .*(timer sounds)*. . . whatever, and the...the decoy will go in and try to purchase cigars, vapes, cigarettes. And then if they make the sale, then, you know, we have...we have an officer observing, and then we'll go in and we'll cite the...the person who did the sale. So, we do have those ops going on, and we do have that enforcement in the schools already to--I mean...I mean, we're trying. That's...but that's...that's basically what we're doing now, and that's just our unit. You know, our unit is very limited. There's three of us investigators, and I'm the acting supervisor for us, so that really drops us to two. And

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then I think we have only five...about five or six school resource officers. So, it's...it's limited, and we are stretched thin, but...

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

CHAIR SINENCI: Okay. Okay. Thank you, Officer Stice. Next, we have questions for U'u-Hodgins, your turn.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. If I could follow up on Officer Stice. I know he [sic] just answered Member Sugimura. So, one, thank you so much--sorry, did I say that--his [sic] name wrong?

CHAIR SINENCI: She.

COUNCILMEMBER U'U-HODGINS: She. Sorry. I cannot...I cannot see anybody's face. Her...her face is kind of blocked by what we can see. So, I see Member Kama and everybody else on this side, and the other side is blocked. But sorry. When you guys are doing those ops, is that not a good time for you also to see and test for the flavors and enforce the flavors ban?

CHAIR SINENCI: Sure.

MS. STICE: I mean, it could be something that could be tacked on.

COUNCILMEMBER U'U-HODGINS: Um-hum.

MS. STICE: But as it is, we are hardly even able to complete all the stores on our list. And then it also comes down to the testing, how it's tested, you know?

COUNCILMEMBER U'U-HODGINS: Okay.

MS. STICE: I mean you can go off of an odor, right? But like when you go to do a drug test for marijuana, you have to use what's called NIK test kit, and you're...you're searching for the presence of THC...or with crystal methamphetamine. There...there needs to be some...some sort of way to say with concrete definitive, like, yes, that...that...that product has it. So, that's kind of an issue.

COUNCILMEMBER U'U-HODGINS: Okay. Okay. So, with testing. Okay. Can I ask you, so who also does the regulation for the age requirement to be 21? Is that you folks as well?

MS. STICE: Yes, and then we partner with the Department of Health.

COUNCILMEMBER U'U-HODGINS: Department of Health? Would you guys be able to partner on...with Department of Health to do the testing as well for flavors?

MS. STICE: I have no idea. I...I don't have --

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COUNCILMEMBER U‘U-HODGINS: Oh.

MS. STICE: I can't answer that.

COUNCILMEMBER U‘U-HODGINS: Okay. I have a separate question that really just gets my goat that's not necessarily only about this, but more about, like, e-smoking devices in general. So, I've noticed like a QR code with a marijuana leaf, like, everywhere, and apparently you can just use your QR code and go online and buy these products. Do you folks not cover up those stickers, or what do we do? So, I mean, like personally, I'm happy to buy some stickers to cover them up because I see them everywhere--Post Office, street signs, electrical poles--I...I can pass probably ten on a given day. But what can we do about those stickers?

CHAIR SINENCI: Sergeant?

MS. BONACORSI: Sergeant Bonacorsi here. Well, there's a lot of advertisements everywhere, and we can't go around...I mean, we would love to. If you see it, remove it, cover it up, or whatever.

COUNCILMEMBER U‘U-HODGINS: Yeah.

MS. BONACORSI: But for us to go around and, you know, go there, on top of all our other duties that are going on, we can't--like, if it's on a pole . . .*(timer sounds)*. . . maybe the--whoever owns the pole can do it, or...or whatever like that, or the community can --

COUNCILMEMBER U‘U-HODGINS: Okay.

MS. BONACORSI: -- help us along with that. But us going along and...yes. I've...I've seen those QR codes, and --

COUNCILMEMBER U‘U-HODGINS: Okay.

MS. BONACORSI: -- take them down. But us, you know, doing that and making sure that it...you know, they're not everywhere--I mean, once we take one down, another one go up. So, it's like --

COUNCILMEMBER U‘U-HODGINS: I know.

MS. BONACORSI: So, that is very difficult. You know, you go Pā‘ia, you'll see everything at all the posts, you know?

COUNCILMEMBER U‘U-HODGINS: I know.

MS. BONACORSI: So, we can only --

COUNCILMEMBER U‘U-HODGINS: That's what I'm talking about. . . *(laughing)*. . .

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MS. BONACORSI: We can only...so, yeah. So, we definitely need the community's help, you know --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BONACORSI: -- with --

COUNCILMEMBER U'U-HODGINS: Great.

MS. BONACORSI: -- these issues that are coming to hand. So, thank you.

COUNCILMEMBER U'U-HODGINS: That's...that's great to know. I appreciate that. And if Chair Lee has any suggestions on creative ways to reach a child, I'm looking for some. Because I have a 17-year-old, and I don't need to say it, but statistically, definitely he's one of them. And I have tried pleading with him. I have tried disciplining him. I moved him from Kekaulike to Kihei Charter, thankfully, this year. And you could hear the students talk about their issues. Member Sugimura, I'll tell you since we both represent Upcountry, I'm having Jade send over an email with the clips about their testimony to the principal because they should be very embarrassed. And I hope Officer Kincaid is also trying his best to be on it. I know that there's only one, and I do love Officer Kincaid. But as our public schools, that's my alma mater, and that's embarrassing. But I thank you all, and happy to support this.

CHAIR SINENCI: Mahalo, Member U'u-Hodgins. And I just wanted to follow up on Member U'u-Hodgins' question. So, Officer Stice, you mentioned that there's five SROs. So, those SROs in the schools, are they regulating this, or are the schools just going to the SRO, or--if there's any problems with the students in their schools?

MS. STICE: As far as the vaping in schools?

CHAIR SINENCI: Yeah.

MS. STICE: It really depends on the school. Some of them...some of the administration will kind of handle it themselves, others will alert the SRO. But yeah, I mean, whenever the SRO is notified of it, they'll obviously take the bait, and then at...at...at minimal, document the case.

CHAIR SINENCI: Okay. But they're not doing anything else as far as enforcement or anything like that, they're just taking...they can only take away the products?

MS. STICE: They can arrest them.

CHAIR SINENCI: Okay.

MS. STICE: So, they're...they're...yeah. So, some officers, they'll allow a kid one warning, right, take the vape, document a case. If I catch you again, you're going to get arrested. So, that's...that's basically what they're doing.

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CHAIR SINENCI: But they're--you don't have enough personnel to catch all of the violations?

MS. STICE: I don't think so, no.

CHAIR SINENCI: Okay.

MS. STICE: No. I mean, yeah, hearing this, the hotboxing classrooms, I mean --

CHAIR SINENCI: Right.

MS. STICE: I've never heard any of the SROs talking about it.

CHAIR SINENCI: Right. Because it sounds like it's in the schools that--where, you know, these kids are either selling them or, you know, using them. It's hard to enforce them if...if the...if the parents are allowing it in their own homes, right? But in the public schools, there should be some enforcement there. Members, any other questions for our...we have another...for a round two. Member Paltin.

COUNCILMEMBER PALTIN: I just was wondering, is there any coordination with the SRO and the school? Like, I...I would like this to be addressed, and I'm...I'm thankful that kids aren't getting arrested on the first offense. But between maybe a first and a second offense, is there no other type of dissuasive activities? Like, I mean if...if you got to arrest a kid, you got to arrest the kid, but I'd...I'd prefer not to, like, start our children off with criminal records before they get out of high school. Like, is there, like, a community service option or, like, I don't know, detention or something? I know in-school suspension, you still have that when I was little. And they used to have it in the bathroom, and you just have to stay in the bathroom all day at my school...the women's bathroom.

MS. BONACORSI: Ms. Paltin, this is Sergeant Bonacorsi. So, I know that--any of these things that happen, either they're...they're arrested or...or...or they're giving a warning. All...all their parents are notified. The school is notified. They either get detention, suspension, I know those are things. Once it goes to the prosecutors up...up the chain with the--whole bunch of e-cigs, sometimes it goes up. And it goes--you know, then they...then...then it goes to the prosecutors, and a lot of times they do get community service or something like that. I don't know if it's gone up any further than that, you know, when--there's no...obviously, there's no jailtime for kids, and once you're 18, your whole records gets expunged, right? So, you...you get a fresh start. But since e-cigs and stuff, it's...it's all just violations right now at this point. Kids can get arrested, all their parents are notified, and the schools...it does come down to the schools. A lot of times, there're punishments. Anything else with the...going-to-court purposes? Anything?

UNIDENTIFIED SPEAKERS: . . .*(inaudible)*. . .

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MS. BONACORSI: And then they do get...a lot of times, they do get diverted to the POI programs, and that's when the teacher--and the parents, and the kids got to come in on Saturdays and stuff like that, and...and it's through education. So, a lot of it is trying to get them through education purposes and stuff like that. But there are other --

COUNCILMEMBER PALTIN: Okay. Thanks for clarifying that.

MS. BONACORSI: Yeah. Yeah.

COUNCILMEMBER PALTIN: I...I did interpret it as they were going to jail as a juvenile, but thank you. I guess, Member--or Chair Sinenci, my other question is, I looked through the emails--or I'm--the testimonies, and I...I wasn't clear on what the amendments were that were being spoken about in testimony about closing some loopholes. The one posted to the meeting details says no amendments, and then there were, like, maybe two-and-a-half, three pages of eComment, and I didn't...I wasn't clear on what amendments were being asked for to close the loopholes. Is the testifier still there that said that?

CHAIR SINENCI: Do we need to designate? Members, any objections to designating Miss --

MR. PASCUAL: Leslie Garo.

CHAIR SINENCI: -- Leslie Garo?

UNIDENTIFIED SPEAKER: Oh, Ms. Garo. Yeah.

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Okay. Pursuant to --

COUNCILMEMBER PALTIN: Could she --

CHAIR SINENCI: -- 18(A) of the Rules of the Council.

MS. GARO: I'm here. Thank you so much for the question, Councilmember. I...in short, because you can see...in my written testimony that I stood on, we actually strike through what...what we wanted corrected. But in general, we did want to clarify the definition of e-liquid or electronic smoking device and tobacco product. I think...as Councilmember Cook showed, you know, we...we do want to clarify that menthol is included in that. Also, we wanted to expand on the definition of electronic smoking devices, and also the definition of nicotine. We wanted to add that, meaning natural or synthetically-derived nicotine, including nicotinic alkaloids and nicotine analogs. So, again, the tobacco industry continues to try to get ahead of it, right, and continues to try to use their...their very intelligent strategies in getting these loopholes. And when I say loopholes, you know, we could have a definition like our...our original Bill 156 had, and then they start creating other synthetic tobacco, I guess, avenues, including also attachments to the actual device and so forth. So, that's why...why we included that in

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here. But again, I just wanted to reiterate that we are appreciative of--we can...if we can get the Bill 156 passed, with or without the amendments currently, and we will...we will work toward amending that as we continue to fight at the state level. I hope that answered your question.

COUNCILMEMBER PALTIN: Yeah. And I guess, the--so, you are also saying that the intention is to regulate . . . *(timer sounds)* . . . traditional cigarettes that use menthol?

MS. GARO: Correct. Like, we had one of our testifiers come on here--you know, luckily the flavors of the actual cigarettes, combustible cigarettes, have been banned. But menthol is still an addictive cooling agent, some may say, and still considered a flavor with, like, certain flavors, such as watermelon ice or cool. You know, they...they add that on there to be enticing, and to make it seem like it is easier to use the tobacco product. So, if we can eliminate all of that, it helps us with them even getting hooked, and then addicted.

COUNCILMEMBER PALTIN: And...and you're saying not just the marketing, but the actual product itself?

MS. GARO: Yes, because it is...the product is marketed. It comes hand-in-hand. So, they...they will hold on tight to that menthol flavor, and again, turn it into something that's enticing to the kids, right, by adding, like I said, other words like ice, cooling, such as...such as those.

COUNCILMEMBER PALTIN: And then what about all the people that are already addicted to that menthol that are adults?

MS. GARO: Yeah. So, there are a lot of cessation services out there in the community, and we do our best to educate. You know, it's going to...it's...it's hard, right? It's difficult. Unfortunately, this is why we are fighting, so we don't have to go through another round of these things with having adults having to quit. But it is difficult, and every outreach event, every education we share, we do always say, there are resources to quit, such as the My Life, My Quit, and then, of course, the Hawai'i Tobacco Quit Line, which have been also altering to make it more convenient for those that want to quit, including text message services and such.

COUNCILMEMBER PALTIN: Okay.

MS. GARO: So, we're trying . . . *(inaudible)* . . . Thank you.

COUNCILMEMBER PALTIN: Chair...or Member Sugimura, the bill that we have in front of us, Bill 156, is it identical to the other counties, Kaua'i...or Hawai'i and O'ahu, City & County of Honolulu?

COUNCILMEMBER SUGIMURA: So, we basically took the bill as it was presented, and it's...it's from Hawai'i County basis. And I think City & County of Honolulu added something to theirs, but basically, it's...it's similar.

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COUNCILMEMBER PALTIN: Okay. And Member Sugimura, are you accepting of Ms. Garo's amendments?

COUNCILMEMBER SUGIMURA: So, we...we did not pursue the amendments because it came in so last-minute. And we were more interested in getting this bill passed for...for where we are today before we...we're at the end of our term, so . . . *(inaudible)*. . . I don't know how different it is or what the impact would be. We didn't...we didn't analyze it.

CHAIR SINENCI: Yeah. I...Member Paltin, I think the City of Honolulu's one, the only difference was hookahs. They had --

COUNCILMEMBER SUGIMURA: They had something, yeah.

CHAIR SINENCI: Yeah. It included hookahs in theirs, but --

COUNCILMEMBER SUGIMURA: . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: Hookah?

CHAIR SINENCI: Hookahs. Hookahs. So, ours would be closest to the Hawai'i County.

COUNCILMEMBER PALTIN: Oh, okay. Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR SINENCI: Okay. Any other questions for a second round? Member Cook.

COUNCILMEMBER COOK: Thank you, Chair. I didn't mean to make overly light of my comment earlier. I think that this is a very serious subject. When I go into fast food places--7-Eleven, or gas stations, or whatever--and there is a very intense focus, professional marketing, for e-cigarettes and whatnot. So, I'm supportive of this. I'd like to ask Corp. Counsel a question. My one...I'd like it to be successful, but my concern is...is by bringing in conventional cigarettes, whether you're going to regulate the length, the diameter, menthol being added, this...the things that are already existing legal within that arena. That's part of my concern, is, like, bringing that into this, as opposed to having a clear definition as far as, like, the e-cigarettes and that whole arena. The fact...the simple fact that there are 34 products that are proven and tested to be acceptable by the Department of Health, and there's a wide variety of other bootleg items seems to be somewhat of an easier justification for we should put a pause on all of this until it's more regulated. Is it Department of Commerce and Consumer Affairs and Department of Health's kuleana to some degree to be enforcing these components, these things that we're discussing now?

MS. PANNELL: You know, I don't know exactly what their responsibilities are in terms of this. It...it sounds like they...they are currently working...just in this testimony that we were listening from the officers today, that they are currently working with Department of

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Health. I don't know to what extent they are required to do that, but I can look into that.

COUNCILMEMBER COOK: Well, and I think during the legislative process, that would be one of the things that would be addressed. I just wanted to go on the record that the existing laws that we have by the other state agencies need to be--and then, again, everybody's short on staffing. Unfortunately, simply making something against the law is ineffective, and sometimes it can be undermining people's compliance with the law. So, anyway, thank you for me being able to ask those questions, and thank you very much for your presence here. Mahalo.

CHAIR SINENCI: Okay. Mahalo, Member Cook. Staff, I was informed...I mean, Members, I was informed by the Staff that we do have an...an alternative. We could introduce an ASF with Ms. Garo's recommendations at first reading when we post the Committee report. Is that...

COUNCILMEMBER KAMA: Okay. Yeah, let's do that.

CHAIR SINENCI: But that would be after passing --

COUNCILMEMBER KAMA: Yeah. Today.

CHAIR SINENCI: -- the bill today.

COUNCILMEMBER SUGIMURA: Today.

CHAIR SINENCI: Yeah.

COUNCILMEMBER COOK: Okay. That helps.

COUNCILMEMBER PALTIN: Chair, question?

CHAIR SINENCI: Member Paltin.

COUNCILMEMBER PALTIN: I...I just am curious why we can't amend it at Committee?

CHAIR SINENCI: Do we need to post it? No need? We...we'll just read it? Do you want to --

MS. MACDONALD: Yeah, you can do that as well, or if you want to take a quick break.

CHAIR SINENCI: Okay. Let's take a quick three-minute break.

COUNCILMEMBER KAMA: To read it all?

COUNCILMEMBER SUGIMURA: Sure.

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CHAIR SINENCI: And we just were handed the amendments. So, maybe five minutes to go over the amendments, then we'll come back at 11:25. The WASSP meeting is now in recess until 11:25.

COUNCILMEMBER KAMA: Okay.

CHAIR SINENCI: . . .*(gavel)*. . .

RECESS: 11:16 a.m.

RECONVENE: 11:26 a.m.

CHAIR SINENCI: . . .*(gavel)*. . . Will the WASSP Committee of Monday, November 18th, please come back to order. Mahalo, Members. It is now 11:26. Before we go into recommended passage, did we have any questions?

COUNCILMEMBER SUGIMURA: Yeah, I do.

CHAIR SINENCI: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I just wanted Corp. Counsel then to clarify, although we have been talking about youth flavor ban, right, there...there was discussion, and we just need clarity then. If we were to then say the products derived from tobacco, nicotine, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, that means for all...all products, or is it only for youth?

MS. PANNELL: All products. So, this...yeah. The way it's written --

COUNCILMEMBER KAMA: Got it.

MS. PANNELL: -- applies, yeah, to change the law for everyone.

COUNCILMEMBER SUGIMURA: Change the law for everyone. Okay.

CHAIR SINENCI: Okay. Member Cook, and then Member Paltin.

COUNCILMEMBER COOK: So, chew and other tobacco products that are currently being marketed would be...fall under this as well with the amendment?

MS. PANNELL: Yes, if they were flavored or menthol or would...fell under the...the definitions included here.

COUNCILMEMBER COOK: Okay. Thank you. Thank you, Chair.

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CHAIR SINENCI: Mahalo. Members online, did you...does everyone have the suggested amendments by the Hawai'i Public Health Institute? Okay. Everybody got it. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I wasn't 100 percent clear on the urgency to pass this before the end of the term because it...it...it wouldn't take us into effect until, like, 42 days after HRS repeals its preement....pre...preemptive thing. And I think it's important that when we pass it, that we have a solid mechanism of enforcement. And as Member Kama really wants to increase the fines, I think it's important that we have an entity that can collect those fines. I don't really mind what they do with it. They can keep it for all I care, but the Police have stated pretty clearly that...that they're not the ones. And so, maybe we need to explore options on who would be the right ones to enforce and fine entities before passing it. Because from what I understand, all nine of us are coming back next year, and I think bills don't pass until like May sometime. So, I just was wondering people's temperament to...to find the correct enforcement and fine-collecting entity if the Police have said that that's not them, and Corp. Counsel have said that other...other things could work. So, I--that...that's my question for, I guess, the body.

CHAIR SINENCI: Okay. You would prefer that we defer it until we have those...some of those --

COUNCILMEMBER KAMA: Enforcement.

CHAIR SINENCI: -- ironed out...the enforcement particularly ironed out?

COUNCILMEMBER PALTIN: Enforcement and fine collection. I'm okay with doing the amendments that were suggested today if...if that's a thing that we can do. But I guess my concern is, passing it the way it is after clearly being told by the Police that they don't have an avenue to collect the fines, or that they're not the best entity to enforce it, is kind of rude to ask them here to comment, and then not listen to what they say a little bit.

CHAIR SINENCI: Got it. Member Sugimura, did you --

COUNCILMEMBER SUGIMURA: Yeah. So, as far as the details about if there's a fine, and who collects it, and all of that, I don't know, does that...Corp. Counsel, does that come through HRS?

MS. PANNELL: Well, it wouldn't in this case, since it's the...you know, we're dealing with County now. But do you mean, like, typically, like in...

COUNCILMEMBER SUGIMURA: Well, okay. I guess listening to the discussion, if we did the amendments today and the concerns about --

COUNCILMEMBER KAMA: Enforcement.

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COUNCILMEMBER SUGIMURA: -- enforcement for Police, I think we always just automatically defer to them. I'm not too sure what...what other departments would want to do it, or even could do it is the problem. And it sounds like you are doing it when you go to the campuses, if you...if you are doing it, and then you have the weekend, Saturday, Department of Health and MPT...MPD go out and you do stings, I guess it was called.

UNIDENTIFIED SPEAKER: . . .*(laughing)* . . .

COUNCILMEMBER SUGIMURA: So, it's kind of happening already, probably not with the force of being able to fine \$1,000 per first offense. That part hasn't been determined yet, right? So, it's just a matter of turning them in to their parents, or...or whatever. So, it is happening. I...I do want us to take this up because I believe that when Legislature starts, which is going to be January 15th-ish, it's going to end in May, at least then the organizations that are trying to push this through can say, hey, look, we have the counties' backing of this. And I think that's going to be the force that they need, yeah? We...we're not going to be in charge until...or couldn't be in charge until the Legislature allows us to...you know, to do it. So, this is...this is in preparation for it, and I hope it does get passed. But at this time, I would like us to, you know, pick this up, see what we can do to pass it, what the Members want, and then improve it, I guess, if the Legislature does pass something in this next Legislative Session. So, I...I do want us to take it up if...if the Members would allow it.

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: I'm . . .*(inaudible)*. . . support --

CHAIR SINENCI: I had --

COUNCILMEMBER PALTIN: -- at the state level was communicated through it being a part of the HSAC package. I mean, County of Hawai'i is the only one, their council meeting is this week. But they were the one to introduce it, so I don't know that they'll turn it down. And so, then all four counties have supported the HSAC package which returns the preemptive to the County. But I think that the fining and the enforcement--like, in the schools, it's not about who's selling, it's enforcing existing laws that kids shouldn't be vaping, period. It doesn't necessarily have to do with flavors. And we're talking about enforcing maybe at the point-of-sale, who would be the real people to...to pay the fines. Like, we're not trying to put that \$1,000-plus fine on our...our struggling families, we're trying to put it on the vendors. And so, I think it's really important, like, you know, if...if we're going to pass legislation, that it means something. Otherwise, the existing stuff is what their...is being enforced by the...the Police. EP&S enforces other bans. I don't know if we could have another meeting where maybe EP&S or Human Concerns come, if there can be a thing. Like, maybe this could go into the Early Childhood Education Fund or something, the fines, or, you know the...the fine money be an incentive for one of our departments to work with the Police on enforcement. Because EP&S does do that for our environmental bills. I'm not sure if flavored cigarettes fall into environmental category and they'd be willing to enforce it, or if they'd be willing to work with another department, maybe Human Concerns, to do the kind of things that

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they do when they enforce the single-use plastic bag thing, or they enforce the Styrofoam single-use boogie thing, or the--all those things--if they need to work with another Department like Human Concerns. But I don't know. Maybe...can we hear a little bit more from the Police, their thoughts on this?

CHAIR SINENCI: Sergeant Bonacorsi?

MS. BONACORSI: Sergeant Bonacorsi. This is a difficult...this is a difficult one to put it on, like, one entity. The...I don't know if it...like, it should be a multi-agency enforcement to help with this, you know, new...new bill. That's a hard one for me to answer on that one. I'm sorry.

COUNCILMEMBER PALTIN: I guess the question would be, like, say we've just passed it, and we don't care what you said, and we put that on you guys.

MS. BONACORSI: . . .*(laughing)*.*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: What would be the outcome then? Like...

MS. BONACORSI: We'll do the best we can. That's all I can say. I mean, we...we do the best we can all the time, so, I mean...will it...will it...will we struggle with it? I mean, we'll do what we can, as much as we can do, you know? That's all I can really say to that.

COUNCILMEMBER PALTIN: And if...if you guys got the keep the money, would that...do you think that would be an incentive? Like, if there's a \$10,000 fine, and you put it into, like, the Police Officer Retirement Fund or something?

MS. BONACORSI: I mean, that would be awesome, but then it kind of comes down to the conflict of interest, you know what I mean? I mean, we would like to take money . . .*(timer sounds)*. . . into our fund, but then we'd get into that conflict. So, we try not to get involved with the fundings coming back to us. So, if you guys want to, you know, put it into our fund in other means, you know, fantastic, and we would really appreciate that, and we do need new vehicles. But --

MS. STICE: Yeah.

MS. BONACORSI: -- I mean, I don't know how else to -- . . .*(laughing)*. . .

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MS. BONACORSI: -- to answer that without being greedy, you know?

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MS. BONACORSI: There's other...there's other agencies that need it, too. You know what I mean?

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CHAIR SINENCI: Mahalo, Sergeant.

COUNCILMEMBER PALTIN: Maybe a partnership with the HIPHI organization, where they get the fines or something?

CHAIR SINENCI: Yeah. Member Paltin, you're saying that we could create a fund later to direct the fines to?

COUNCILMEMBER KAMA: I think --

COUNCILMEMBER PALTIN: Well, I mean, I don't know how we're going to collect the fines if the Police don't have a mechanism to collect fines. So, it's...there's not going to be any money if nobody collects the fines.

MS. BONACORSI: . . .*(laughing)*. . . So --

COUNCILMEMBER PALTIN: And...and it seems kind of stupid to have it in the bill what the fine is because people are going to expect fines to happen and money to be there. But if the Police are saying they don't have a mechanism to collect the money or enforce the fines, then it seems silly to have that in the bill.

MS. BONACORSI: So, Ms. Paltin, real quick. When we do cite people for--and there's a fine listed on there, it goes to the courts. And the courts collect those, wherever it goes, you know, and it's statewide...that's HRS'. So, county fines, I don't know if they stay in our County or what...

COUNCILMEMBER KAMA: I think they stay here.

MS. BONACORSI: Yeah. So, those fines...like, anytime we cite anybody, say for fireworks or whatever it is--actually, fireworks is HRS--but any other County ordinance, it still goes to the court system, and honestly, I don't know where it goes from there. But I know that those fines --

COUNCILMEMBER PALTIN: So, the State . . .*(inaudible)*. . .

MS. BONACORSI: -- are collected and then distributed throughout the State...or maybe County. I'm not too sure on that.

CHAIR SINENCI: Unless we can . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Maybe Corp. Counsel?

COUNCILMEMBER KAMA: Can we ask that question, Chair?

CHAIR SINENCI: Selina?

COUNCILMEMBER PALTIN: To Corp. Counsel?

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MS. PANNELL: Yeah. So, that's correct, that the fines are paid and administered and dealt with by the court. If someone does not pay a fine like this, the only thing that the court can do--and this is--you know, make a mark on their credit report, basically. It...it's...that's how it's enforced. But it is...they have to go to the courthouse to pay the fine, and that's on the...on them. If they don't, you know, it can become an issue for their own finances, but that's it. If they don't pay it, then there's...they don't pay it.

CHAIR SINENCI: And...and if the . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: . . . *(inaudible)*. . .

CHAIR SINENCI: If the preemption comes back to the counties, does it go to the counties?

MS. PANNELL: I don't actually know if it...if the...the fines from county violations versus state violations go to different funds. That would make sense. That sounds right, but I just...I...I don't know for sure. But whatever the fine, whether it's...or whatever the, you know, fine is, whether it's state law or county law, yeah, the person is required to go to the courthouse and pay it. That's...

CHAIR SINENCI: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, Corp. Counsel--oh, I'm sorry. Tamara, are you done?

CHAIR SINENCI: Oh, Tamara, did you--sorry.

COUNCILMEMBER PALTIN: Yeah. Oh, that --

CHAIR SINENCI: Took for your --

COUNCILMEMBER PALTIN: Go ahead.

COUNCILMEMBER SUGIMURA: So, just in line with Member Paltin's question, I know all the tickets that Police issue are parking tickets. All the money...you...you do the work, and all the money goes to the state. So, is that something similar?

MS. PANNELL: It may be, yeah. I'm just...I...I don't know where the...where the funds go once they're paid at the courthouse, or if it matters if it's a county violation or state. I just...I don't know. But I can certainly look into it. I think that the overall takeaway, though, is just that, you know, when that citation is issued, it is then on that person to go to the courthouse and pay it. So, I hope that helps a bit.

COUNCILMEMBER SUGIMURA: Okay.

MS. PANNELL: Yeah.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR SINENCI: Any other--oh, Pro Tem Kama.

COUNCILMEMBER KAMA: So, would it be helpful, if you include it in the legislation, where the fines should go? Could we do that?

MS. PANNELL: I...I don't know. I'd have to look into that.

COUNCILMEMBER KAMA: Okay.

MS. PANNELL: You know, one thing that this makes me think of is Chapter 13, the Parks and Rec chapter in our County Code, where it authorizes, like, park officers or anyone that the director of Parks of Recreation qualifies or authorizes to...to get people and give them citations.

COUNCILMEMBER KAMA: Um-hum.

MS. PANNELL: You know, perhaps something like that could be included so that there are additional people outside of law enforcement that could issue that citation. Again, which department that would be, I don't know. Parks and Recreation is easy because it's violations that happen in parks, so it's, you know, anyone that works for that department. In this case, I don't know who that would be, but it's something to perhaps...

CHAIR SINENCI: Okay. Members, are you guys okay with just going through--oh, Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I asked about how DOH partners with MPD earlier. They do support this bill in our written...written testimony. So, I'm wondering, if this discussion does continue, if we could ask DOH if they're willing to partner with MPD to at least maybe help out with the testing, and make enforcement possible. I don't...I mean, whatever everybody else wants to do. But I totally support this bill, but I do want it to be adequately enforced, or else it's just words on a paper. And we need it to make a difference because we really do need it to make a difference. And I don't think MPD disagrees that they probably support the concept, but it's just super hard for them, just like it's super hard for teachers to enforce it in school. So, I don't know if we want to get DOH involved in the conversation, and they can put their money where their mouth is, and we can make this make sense. But thanks, Chair.

COUNCILMEMBER PALTIN: Is...is --

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: -- Ms. Tamashiro still on the line?

CHAIR SINENCI: Ms. Tamashiro?

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MS. TAMASHIRO: I'm here. So, that...I will say that what I can do--and I've been listening very, very carefully--this conversation comes up in every jurisdiction that takes up this issue. And we just came back from a meeting with our other state partners, and enforcement has been tried and tested in other jurisdictions. So, there's other counties that have implemented this type of enforcement, and I'm happy to share that type of experience. So, it is very possible, and in short, one takeaway from that meeting for me was, each county has to look at their available enforcement mechanisms and figure out what works best for each county. So, I'm happy to share what worked in other counties, and you can take their lessons learned and apply that. Yeah, it doesn't typically...it does involve some discussion, but it...it does...it has moved forward in other counties successfully. Yeah.

CHAIR SINENCI: Member Paltin, did Ms. Tamashiro answer your question?

COUNCILMEMBER PALTIN: Yeah. I...I think she answered Member U'u-Hodgins' question pretty good. I'm...I mean, I'm...I'm okay with moving this forward, but I think that there needs to be a commitment to forming, like, some kind of multi-agency enforcement or task force. But I might have cut Member U'u-Hodgins off. I think I seen her raise her hand.

CHAIR SINENCI: Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you. I'm wondering if--Ms. Tamashiro, can you share some specific...specific examples of how everybody else partners and makes this enforcement work?

MS. TAMASHIRO: Well, I--just . . . *(timer sounds)*. . . from my recollection, I...I'm happy to share more in detail --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. TAMASHIRO: -- either via email later and--but yes, there were some successful examples . . . *(inaudible)*. . .

COUNCILMEMBER U'U-HODGINS: I would really appreciate that. Thank you. Thanks, Chair.

CHAIR SINENCI: Okay. All right, Members. So, we're kind of hearing everybody's intent. So, the Chair will entertain a motion to recommend passage of Bill 156 (2024) on first reading.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR SINENCI: Moved by Member Sugimura and seconded by Pro Tem Kama. Discussion.

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COUNCILMEMBER SUGIMURA: Yeah. So, based upon the...the discussion that we're having, we see the amendments that are before us. And I would like to ask Staff if I could do the amendments, and have Staff go through each one.

CHAIR SINENCI: Do you want to move to amend?

COUNCILMEMBER SUGIMURA: Oh, I'll move to amend the bill to add the proposed amendments from the Hawai'i Public Health Institute. And I wonder if Staff can read the amendments.

COUNCILMEMBER KAMA: Second.

CHAIR SINENCI: Okay. It's been moved to amend Bill 156 by Member Sugimura, and seconded by Pro Tem Kama. Okay. We can go over the amendments as proposed. Staff?

MS. MACDONALD: Yes. The first amendment is under Section 8.22.010, which is to remove the definition of e-liquid as it will be covered under electronic smoking device --

COUNCILMEMBER KAMA: Um-hum.

MS. MACDONALD: -- and then expand the definition of electronic...electronic smoking device to read as follows: Electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vape pen, dab rig, or e-hookah, or under any other product name or descriptor. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration. Those terms are defined in the Federal Food, Drug, and Cosmetic Act.

COUNCILMEMBER KAMA: Perfect.

MS. MACDONALD: Oh.

CHAIR SINENCI: Did we want to go over each amendment and vote on each amendment?

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER KAMA: Yeah.

MS. MACDONALD: Yeah. There's also a second part to that --

CHAIR SINENCI: Oh, I'm sorry. Go ahead.

MS. MACDONALD: -- amendment. It also includes to expand the definition of tobacco product. So, tobacco...tobacco product, Section 1, would read as follows: Products

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made or derived from tobacco or nicotine, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

CHAIR SINENCI: Discussion, Members? Member Cook.

COUNCILMEMBER COOK: That's the only one that I have a challenge with, that I couldn't support. Thank you.

CHAIR SINENCI: Which is the tobacco product...to expand the definition of tobacco product?

COUNCILMEMBER COOK: Correct. That to smoked, heated, charred, absorbed . . .*(inaudible)*. . . And my...my...my thought process, and...and the reason that I'm opposed to that is because it seems like it casts a net to an ex...variety of existing products that are used by adults that are--I don't know if they're approved by the Food and Drug Administration, but --

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER COOK: -- I'd like...I'm more focused on the e-cigarettes, and the whole aspect, and the flavoring, and all of that. I think that this involves...this makes it more problematic to be supportive of by the general population, and so that's why I'm not supportive of that. Thank you.

MS. MACDONALD: Sorry, Chair.

COUNCILMEMBER SUGIMURA: One more.

MS. MACDONALD: Yeah. I saw that there's one more on the back of the page, so...yeah. That would also be to add a definition for nicotine. So, it'd read as follows: nicotine means natural or synthetically-derived nicotine, including nicotinic alkaloids and nicotine analogs.

CHAIR SINENCI: So, it wouldn't...it would include the artificial nicotine.

COUNCILMEMBER KAMA: And that --

MS. MACDONALD: Oh.

COUNCILMEMBER KAMA: -- . . .*(inaudible)*. . . synthetically just --

CHAIR SINENCI: So, that's that --

MS. MACDONALD: That'd probably be...yeah, for them to describe. But yeah, it'd be to add the definition for nicotine.

CHAIR SINENCI: Okay. Members, did you...you guys want to include that in...in the motion, or...

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COUNCILMEMBER KAMA: Yes.

CHAIR SINENCI: We're okay? All right. Well, any other...Member Cook.

COUNCILMEMBER COOK: Well, I guess that's sort of a continuation. First, nicotine means any natural. So, basically, this would say any natural nicotine by practice [sic]... any nicotine product is prohibited; is that correct?

CHAIR SINENCI: Staff?

MS. MACDONALD: I think that would be a question for --

CHAIR SINENCI: Miss --

MS. MACDONALD: -- the organization introducing the amendment.

CHAIR SINENCI: -- Ms. Garo?

MS. GARO: Hi, Councilmember. Thank you. So, we included nicotine in there, and it says...means natural or synthetic. Part of the reason for that is because tobacco companies are actually making things called nontobacco nicotine, and so that's why we added it in there. So, it's just defining, it's not actually banning all nicotine products. Again, these were the flavors. The bill asked for...Bill 1586 [sic] focuses on the flavors, so flavors and menthol. So, if adults want to continue smoking tobacco products without the flavors, that would still be allowed. Yeah.

COUNCILMEMBER COOK: Thank you.

MS. GARO: Thank you.

CHAIR SINENCI: All right. Can we just call for the --

COUNCILMEMBER KAMA: Yeah.

CHAIR SINENCI: -- call for the question? Okay. All in favor, say "aye," and raise your hand on the amendment number 1.

COUNCILMEMBER KAMA: Aye. Amendment number 1.

CHAIR SINENCI: Staff?

COUNCILMEMBER SUGIMURA: Oh, wait, that is...it's roll call.

MR. PASCUAL: Chair, I believe a roll call vote --

CHAIR SINENCI: Oh.

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MR. PASCUAL: -- may be necessary.

CHAIR SINENCI: Okay.

MS. MACDONALD: Um-hum. . . .*(inaudible)*. . .

CHAIR SINENCI: Roll call.

MS. MACDONALD: All right. Proceeding with roll call. Councilmember Tom Cook.

COUNCILMEMBER COOK: No.

MS. MACDONALD: Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Excused.

CHAIR SINENCI: Excused.

MS. MACDONALD: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

MS. MACDONALD: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MACDONALD: Councilmember Nohelani U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: Yes.

MS. MACDONALD: Council Chair Alice Lee.

COUNCILMEMBER LEE: Aye.

MS. MACDONALD: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Yes.

MS. MACDONALD: Vice-Chair Gabe Johnson.

VICE-CHAIR JOHNSON: Aye.

MS. MACDONALD: And Chair Shane Sinenci.

CHAIR SINENCI: Aye.

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MS. MACDONALD: Chair, there are seven "ayes," one "no," and one excused, Councilmember Rawlins-Fernandez. The motion passes.

VOTE: AYES: Chair Sinenci, Vice-Chair Johnson, and Councilmembers Kama, Lee, Paltin, Sugimura, and U‘u-Hodgins.

NOES: Councilmember Cook.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR SINENCI: Okay.

COUNCILMEMBER KAMA: Amendment --

CHAIR SINENCI: We'll go to...we'll go to the second amendment.

MS. MACDONALD: Yeah. So, to read out the--well --

CHAIR SINENCI: We need to make another motion.

MS. MACDONALD: Yeah. Sorry, make another motion, please. . . .*(laughing)* . . .

CHAIR SINENCI: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, on the second amendment, I move to amend Bill 156 by the second amendment under Section 8.22.010. And Staff, can you read the amendment?

CHAIR SINENCI: Is there a second?

COUNCILMEMBER KAMA: Second.

CHAIR SINENCI: It's been moved by Member Sugimura, seconded by Pro Tem Kama. Staff?

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MS. MACDONALD: Yeah. So, the second amendment is to revise the definition of retailer in Section 8.22.010, which is to insert...or to remove the comma after owner and insert "or" before agent, and then remove the comma after agent and/or employee.

CHAIR SINENCI: Okay. Discussion, Members? Seeing none. All in favor, raise your hand and say "aye."

MS. MACDONALD: Chair, that's eight "ayes," one excused, Councilmember Rawlins-Fernandez. Motion passes.

ACTION: APPROVE amendment.

COUNCILMEMBER SUGIMURA: Yeah.

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MS. MACDONALD: Yes. For this amendment, it is to amend Section 8.22.020. So, in A.1., it's to include...after the half of the, it's to include importer and...importer, comma, distributor, comma. And then after manufacturer, include a comma. And then for A.2., it's to do the same, so after...or on behalf of the, to insert importer, comma, distributor, comma, and then after --

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MS. MACDONALD: Oh, yeah. Councilmember Sugimura has the...has gotten an amendment. It's just to remove mislabel and amend it to read label instead.

COUNCILMEMBER KAMA: Um-hum.

CHAIR SINENCI: Okay. Members, discussion? No discussion. All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. MACDONALD: Chair, there are eight "ayes," one excused, Councilmember Rawlins-Fernandez. Motion passes.

VOTE: AYES: Chair Sinenci, Vice-Chair Johnson, and Councilmembers Cook, Kama, Lee, Paltin, Sugimura, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE amendment.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR SINENCI: Member Kama?

COUNCILMEMBER KAMA: Yes, Chair. I move to amend Section 8.22.060(a), number 1, change that 1,000 to \$2,500, and then change number 2 from 2,000 to \$5,000.

UNIDENTIFIED SPEAKER: Wow.

COUNCILMEMBER KAMA: And then under B., change \$2,000 to \$5,000, and where it says \$5,000 under number 2, change that to \$10,000.

COUNCILMEMBER PALTIN: Second.

CHAIR SINENCI: It's been moved by Pro Tem Kama and seconded by Member Paltin.
Discussion.

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COUNCILMEMBER KAMA: So, you know, the Department of Health, you know, in their testimony, what they...what they said was, the reason why we're doing this is to protect the next generation from lifelong addiction to tobacco. Do you know what it costs a person addicted to tobacco to get off of tobacco, and what it costs their families, what it costs our society? So, if these people are going to continue to violate these laws, then they should be able to pay for it, and we should be able to use that money to be able to help our people to heal themselves. So, that's my discussion, Chair.

CHAIR SINENCI: Okay. Any other comments from the Members? All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MS. MACDONALD: Chair, there are eight "ayes," one excused, Councilmember Rawlins-Fernandez. Motion passes.

**VOTE: AYES: Chair Sinenci, Vice-Chair Johnson, and
 Councilmembers Cook, Kama, Lee, Paltin, Sugimura,
 and U'u-Hodgins.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR SINENCI: Okay. Any other...Chair will entertain any other amendments to Bill 156 at this time. Seeing none. We'll go to main motion as amended. Discussion. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. For my discussion, I hope that we can bring this back after it passes first and second reading, and involve other agencies, folks from the Department of Human Concerns or Department of EP&S, to form a multi-agency task force to work on the enforcement and collection of fine issue, and where those fines would be most appropriately directed. I'm hopeful maybe EP&S would like to help out because, you know, one of the most common items found at beach cleanups is cigarette butts. And, you know, environmentally speaking, not just the carbon dioxide, but the smoke that is expelled is...is not good as well. So, I'm hopeful that we can continue to

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work on this for enforcement, and fine collection, and directing those fines to the area that it can be most helpful. Like Member Cook, I was thinking about, you know, the old folks that like menthols and stuff like that. And, you know, the first time I ever had to buy cigarettes for my mother-in-law because she was a chain smoker, I was so embarrassed, you know? Like, I repeatedly told the clerk, like, this isn't for me. I'm not a smoker. They didn't really care, but it's, like, at my corner store where I know folks, and I was just really embarrassed to buy the cigarettes. And I think if I wouldn't come home with the menthol that she wanted, that would be a big problem as well. But the end result of me enabling and buying the menthol cigarettes for her is she...she died of cancer in her throat from, you know, waking up, smoking a cigarette, and continuing to do that. And I think I'd rather get yelled at for not coming home with menthol cigarettes than to lose her too soon. She was a really important member of our family when she lived with us, and, you know, I will dedicate my...my vote to this in her memory.

CHAIR SINENCI: Mahalo, Member Paltin. Vice-Chair Johnson.

VICE-CHAIR JOHNSON: Thank you, Chair. I'll speak in support of the...of the main motion as amended. Honestly, I had some...some reservations because I think of some of the stories that the kids were telling, boy, we've got bigger problems in the school. The fact that you--they're closing down bathrooms because of graffiti, or you go into a bathroom and it's full of smoke, or e-smoke, that's...that sounds like a systemic problem. And this bill might not address exactly what...what needs to . . . *(inaudible)*. . . I think it might hurt or hinder, it just--we...we--there's more work to be done. I can just . . . *(inaudible)*. . . I think if...I think if the root causes--I'm going to turn off my camera, I think I'm a little laggy--I think of the root causes of why kids turn to e-cigarettes, or smoking, or any kind of self-destructive behavior at that time...that's what we need to focus on, is the root causes of some of this. Yeah, there's folks that are out there trying to make money off of selling cigarettes, tobaccos to our children, and that's just downright awful marketing. But those--we got to have healthy outlets for the kids. We...we're concerned about what they're smoking, but what about what they're eating? The line around McDonald's after school is all high school kids, and teenagers, and young kids that shouldn't be eating that junk food. But I don't...I don't see it as such a high priority as it is to what they're doing with vaping. We should look at it holistically. What...what are the kids doing that isn't healthy, and how do we make legislation to help them? You know, I'm for self...self-control and freedom, and if--you know, I was a smoker at too young of an age, and I paid the price for that. I had lung cancer when I was 20...22 years old, so...but I would...I would hate for people to follow that route as well. So, I will vote in support. Thank you, Chair.

CHAIR SINENCI: Mahalo, Member Johnson. Members...Member Sugimura.

COUNCILMEMBER SUGIMURA: Real fast, right, because we're already at noon. Thank you, Members, for taking this up. And I...I think that what I'm hearing is we need to look at the enforcement side and have a discussion with Department of Health, Mrs. Tamashiro, and maybe that would be another bill that we could entertain. Ms. Garo, I don't know how you want to approach this, but it sounds like that's a bigger discussion. And unfortunately, whenever there's a problem, we always think that Police could help us

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solve a lot. I think we need more SROs in the schools because one per high school is probably not enough when you're hearing that the problem is--starts from elementary, I think I heard?

COUNCILMEMBER KAMA: Um-hum.

COUNCILMEMBER SUGIMURA: Maybe it's unique, but a bigger discussion, and that's another category. And Chair, thank you very much for taking this up.

CHAIR SINENCI: Okay.

COUNCILMEMBER SUGIMURA: All right.

CHAIR SINENCI: All right, Members. So, seeing no further discussion, all those in favor of the main motion as amended, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: Opposed, "no."

MS. MACDONALD: Chair, that is eight "ayes," one excused, Councilmember Rawlins-Fernandez. Motion passes.

VOTE: AYES: Chair Sinenci, Vice-Chair Johnson, and Councilmembers Cook, Kama, Lee, Paltin, Sugimura, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Rawlins-Fernandez.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 156, CD1 (2024).

CHAIR SINENCI: Mahalo, Members. This will move forward to the Council for full consideration.

COUNCILMEMBER SUGIMURA: I...I just want to add--because we were trying to work off of this amendment from the organization--that if we can include any nonsubstantive --

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COUNCILMEMBER KAMA: Revisions.

COUNCILMEMBER SUGIMURA: -- revisions --

CHAIR SINENCI: Staff?

COUNCILMEMBER SUGIMURA: -- in case we misread some of it. Thank you.

CHAIR SINENCI: . . .*(inaudible)*. . . that. Okay. Staff, is there anything else before...

MS. MACDONALD: No. Nothing else is outstanding, Chair.

CHAIR SINENCI: Okay. We wanted...thank you, Members. We wanted to thank all of our testifiers this morning came...Ms. Gora *[sic]*; our Police Department; mahalo for being --

COUNCILMEMBER KAMA: Yeah.

CHAIR SINENCI: -- here, Ms. Pannell; Ms. Tamashiro online; as well as Ashley from Lahainaluna High School. With that, Members, this concludes today's Water Authority, Social Services, and Parks Committee meeting. The time is 12:03, thanks for staying a little bit late, and this meeting is now adjourned.

COUNCILMEMBER SUGIMURA: Good job.

CHAIR SINENCI: . . .*(gavel)*. . .

ADJOURN: 12:03 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Water Authority, Social Services, and Parks
Committee

wassp:min:241118:crp:lt

Transcribed by: Logan Tsuji

WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE MINUTES
Council of the County of Maui

November 18, 2024

CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 61 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of December 2024, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read "Logan Tsuji", written over a horizontal line.

Logan Tsuji