



Date: October 15, 2018

To: The Honorable Yuki Lei Sugimura, Chair
The Honorable Stacy Crivello, Vice Chair
Members of the Policy, Economic Development, and Agriculture Committee

From: Lauren Loor, Maui Community Coordinator, Hawai'i Public Health Institute

Re: **STRONG SUPPORT for PEA-4(2), Maui County Legislative Package**

Hrg: October 15, 2018 at 9:00 am at Kalana O Maui Building, 8th Floor

Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of Maui County's adoption of item # 2, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

1. The Coalition is concerned that new preemption language included in Part II of HB 1895 (Act 206, Session Laws of Hawaii, 2018) will prohibit counties from advancing any tobacco selling and access laws, removing their ability to provide protections to county residents if the state decides not to pursue tobacco control policies.
2. HB1895 Page 10, lines 15-18: Restricts county decision to protect the health of their residents through existing or future laws and regulations by restricting the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) often referred to as e-cigarettes. Examples of impact on counties:
 - a. Makes null and void existing Hawai'i County's Age 21 law that was passed in 2013 before the State Act 122, SLH 2015
 - b. Preempts county's ability take legislative and regulatory action through tobacco retail and sales regulation to protect their children, youth, and adults from the harmful impact of tobacco and e-cigarette use.
 - c. Preempts public health evidence-based strategies through restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and

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initiation (including but not limited to prohibiting the sale of tobacco in pharmacies, or near schools, and creating a sale restriction on candy-flavored tobacco and vaping products).

3. HB1895 was passed out of committee without any public participatory process for the counties and affected stakeholders to comment on the county's right to pass laws and regulations. In addition, the Coalition strongly believes that local lawmakers play a critical role in passing and implementing proven policies to prevent and reduce tobacco use in their communities. Further, preemption prohibits the county's future policies to curb ESD use, as HB1895 (Act 206) curtails their powers. High school students in Maui County are experimenting and using ESDs at higher rates compared to the State average.

ESD Use 2017 Youth Risk Behavior Survey	Hawai'i County	Honolul u County	Kauai County	Maui County	State
<u>Ever Use</u>	49.6%	39.0%	45.3%	50.7%	43.7%
<u>Current User</u>	34.1%	22.0%	31.3%	32.3%	25.3%

We thank Maui County for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo,



Lauren Loor