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TESTIMONY BEFORE THE HONOLULU CITY COUNCIL

RE: BILL 46, CD1 (2023) – RELATING TO FLAVORED VAPING PRODUCTS

WEDNESDAY, SEPTEMBER 6, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Waters and Members of the Committee:

The Hawai'i State Teachers Association **strongly supports bill 46, CD1** relating to flavored vaping products. The bill prohibits the sale of flavored tobacco products within the City and County of Honolulu. While currently a preemption of the counties regulating the sale of tobacco has not yet been overturned, this ordinance will initiate a trigger ban on flavored tobacco products should Act 206 be overturned or suspended.

Teachers and other students are seeing an increase in the number of students who are vaping on our campuses, not just in our high schools, but our middle schools, and yes, even our elementary schools. Our teachers are confiscating devices, students are being suspended, and unfortunately, these same students are losing learning time, because of it. Teachers are also reporting that students who are vaping are not focused, irritable, and often leave the classroom to go to the bathroom where they are caught vaping, and these students are acting out in some cases. It is concerning. Our students are the victims and are being preyed on by the vaping industry. There are vaping products that look like school supplies (USB drive and a marker), these products are definitely marketed for our youth, along with the candy flavors.

There are extremely high levels of nicotine in these products that are popular with kids, for example, **an Elf Bar has the equivalent amount of nicotine as 590 cigarettes, and you can imagine how these cause serious negative impacts to our students'** education due to the negative impact on memory, focus, cognition, impulse control, mood swings and increased anxiety levels.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking.

According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 “flavored cigarettes are a gateway for many children and young adults to become regular smokers.” Nevertheless, here we are in 2023 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users. **Unfortunately, this FDA flavor ban did not include vaping products. We can change that with this bill as a state and protect our youth.**

Flavored tobacco products have been proven as the entry point for youth to start smoking. With packaging that looks like it came off the shelf of a candy store, and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it is no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say, they only use a flavored product.

Unfortunately, e-cigarettes have evaded the laws to which other tobacco products are subject. The lack of a comprehensive approach has led to the rise of e-cigarette use, undoing decades of progress. **In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai‘i reported that they use e-cigarettes.**

Our lawmakers can reverse the youth vaping epidemic by implementing comprehensive policies and programs, including ending the sale of flavored tobacco products. Flavored products are driving youth use. Flavors in tobacco products entice youth, and nicotine keeps them addicted.

In 2020, 8 in 10 youth who use e-cigarettes reported using a flavored product. Of youth e-cigarette users, 85% use flavored products, and fruit, candy/desserts/other sweets, mint, and menthol are reported as the most popular flavors. Ending the sale of all flavored tobacco products will reduce their appeal and protect our children from a lifetime of addiction. Tobacco companies use menthol as a calculated tactic to hook new consumers. Menthol's cooling properties mask the harshness of tobacco. It is marketed to youth and vulnerable groups. Menthol is one of the most popular flavors of youth in Hawai‘i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol cigarettes.

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.



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- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey).
- Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more harmful than, any other flavored tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit.
- We aim to protect our keiki and reduce the burden of tobacco in our communities, and we must include menthol.
- Ending the sale of flavored tobacco will advance health equity - disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color.
- In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008).
- Mint and menthol-flavored e-cigarettes are one of the most popular flavors among youth

Lastly, thank you for not adding any fines for our youth, as HSTA opposes fines on our youth, as we feel our students are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.

Here are some messages from some of our teachers regarding this vaping epidemic and how it is affecting learning at school, despite vaping products constantly being confiscated and students being sent to the principal, and how, they too, want our students protected.

“My son goes to a middle school in the Central O‘ahu District, and at his school, the bathrooms were locked after reports of students vaping in them. The effect of that impacted everyone because no one could use them anymore.”

“More than the harmful physical effects (shortness of breath, difficulties walking up the stairs, etc.), I see a lot of the negative social effects that vaping has had. When teachers take vapes away and send students to the office, they sometimes find that the vape was actually a parent's, and the parent will get mad at the teacher for confiscating it. Students have gotten into fights over vapes, and it becomes a whole

production of ‘covertly’ passing it to each other. All of this ends up hurting the students academically, because instead of focusing on the classroom material, their whole focus remains on how to get their hands on a vape pen, how to pass it to their friends, how to charge it without getting busted, and how to get their next hit. It’s such a shame that kids are able to get their hands on such addictive products from such a young age, and that they’re being marketed at kids.”

“I’m having to monitor bathrooms more. Students travel to spots that are farther from their classes to vape out of sight in more private bathrooms. They also leave the devices in there for kids from other classes to use, texting one another during class. Their addiction to nicotine is often so established, they want to leave class a few times each period, and while in class they are agitated.”

“Vaping models far too closely drug use behavior. The ‘cool’ factor is leading our kids down the wrong path to higher risk of drug abuse.”

“Because the devices are so small and look like USB flash drives, it is hard to detect if students have them. They also smell like perfume so you don’t know if it’s actually perfume or them using a vape.”

“Kids who are addicted to vaping ask to use the restroom, drink water, or go to their locker every period, and sometimes multiple times during the same period, so they can hit their puff in the hall or in secret. It’s a huge problem that results in missed class time and kids are more and more addicted to nicotine.”

“An honest conversation we have to have is why should I not vape when my family and/or friends do? If it’s so harmful, why do people do it? Additionally, on our campus, students are vaping in the classroom, but teachers don’t know or catch it because they’re unfamiliar with what a vape is. Students are bold, perhaps because vaping is easily done in public spaces—I’ve been to restaurants where people will pull them out.”

“We see suspensions all the time due to vaping, and students miss a lot of school when they’re caught. They vape in class and in all bathrooms, putting the health of others at risk as well.”

“Vaping is becoming more frequent among students from elementary to high school. It’s almost like a dare that our students think they need to try to see who can get away with using it in class without getting caught.”

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawai’i State Teachers Association requests you **support** this bill.