STAND. COM. REP. NO. 1269

Honolulu, Hawaii

, 2021

MAR 24

RE: H.R. No. 67

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.R. No. 67 entitled:

"HOUSE RESOLUTION REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PROMOTE TRANSPARENCY AND ENFORCEMENT BY IMMEDIATELY PUBLISHING PREMARKET TOBACCO PRODUCT APPLICATIONS,"

begs leave to report as follows:

The purpose of this measure is to request the United States Food and Drug Administration promote transparency and enforcement by immediately publishing Premarket Tobacco Product Applications.

Your Committee received testimony in support of this measure from Hawaii COPD Coalition, Coalition for a Tobacco-Free Hawaii, and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that e-cigarettes and electronic nicotine delivery systems are aggressively marketed to vulnerable youth users. Your Committee further finds that the Food and Drug Administration required all sellers and manufacturers of new tobacco products, including e-cigarettes and electronic nicotine delivery systems, to submit a Premarket Tobacco Product Application by September 9, 2020. However, your Committee finds that, to date, only three separate entities have successfully received marketing orders since 2015, leaving a gap between

current federally approved e-cigarette sellers and non-compliant sellers or non-applicants. Furthermore, to date, no e-cigarette or electronic nicotine delivery system product has been approved by the Food and Drug Administration through its six-stage process of Premarket Tobacco Product Marketing Application review.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 67 and recommends that it be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Health, Human Services, & Homelessness,

RYAN I. YAMANE, Chair

## State of Hawaii House of Representatives The Thirty-first Legislature HSCZ 1269

## Record of Votes of the Committee on Health, Human Services, & Homelessness

| Bill/Resolution No.: HR (07   | Committee  | Referral:   |  | Date: 312312021 |  |  |
|---|--|---|--|-----------------|--|--|
| ☐ The committee is reconsidering its previous decision on the measure.  |  |   |  |                 |  |  |
| The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit) |  |   |  |                 |  |  |
| HHH Members   |  | Ayes  | Ayes (WI   | R) Nays         | Excused  |  |
| 1. YAMANE, Ryan I. (C)  |  |   |  |                 |  |  |
| 2. TAM, Adrian K. (VC)  |  |   |  |                 |  |  |
| 3. GATES, Cedric Asuega   |  |   |  |                 |  |  |
| 4. HAR, Sharon E.   |  |   |  |                 |  |  |
| 5. KAPELA, Jeanne   |  |   |  |                 |  |  |
| 6. LoPRESTI, Matthew S.   | manufacture and a second secon |   |  |                 |  |  |
| 7. NISHIMOTO, Scott Y.  |  | Constitution and the second | and the second section of the section of the second section of the secti |                 | The state of the s |  |
|   |  |   |  |                 |  |  |
| 8. WARD, Gene   |  |   |  |                 |  |  |
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| TOTAL (8)   |  | 7   |  |                 |  |  |
| The recommendation is:  Adopted  If joint referral,  committee acronym(s)  Adopted  did not support recommendation.   |  |   |  |                 |  |  |
| Vice Chair's or designee's signature:   |  |   |  |                 |  |  |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO  |  |   |  |                 |  |  |