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DEPARTMENT OF THE ATTORNEY GENERAL
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MATT DVONCH
FIRST DEPUTY ATTORNEY GENERAL

January 16, 2025

Dear Tobacco Licensee:

The State of Hawaii's Department of the Attorney General ("the Department") is aware that retailers, distributors, and others may be distributing and selling unauthorized and illegal tobacco products to Hawaii consumers. This includes electronic smoking devices (ESDs, also commonly referred to as e-cigarettes) and oral nicotine pouch products. Nicotine is an addictive substance, and unauthorized products may contain additional dangerous ingredients not listed on the packaging, putting Hawaii consumers at risk.

For a tobacco product or a product containing nicotine to be sold legally in Hawaii or anywhere in the United States, it must be authorized by the Food and Drug Administration ("FDA"). Without this authorization, we cannot verify what ingredients these products contain and whether they are safe. To date, only 34 e-cigarettes¹ and 4 oral nicotine products (none of which are oral nicotine pouches)² have been authorized by the FDA to be sold in the United States.

Please review the enclosed list of e-cigarettes that have been authorized by the FDA as of this letter's date, to ensure that you are not displaying for sale, selling, shipping, or assisting in the sale or distribution of illegal e-cigarettes. Any e-cigarettes not on the enclosed list have not been authorized by the FDA and are not legal to sell in Hawaii.

You may also access an up-to-date, searchable FDA database for authorized products at the following website: <https://www.accessdata.fda.gov/scripts/searchtobacco/>. The Department asks that you remove from your shelves any products not authorized for

¹ A list of the e-cigarettes authorized by the FDA is attached

² The authorized oral nicotine products are Verve Discs Blue Mint, Verve Discs Green Mint, Verve Chews Blue Mint, and Verve Chews Green Mint

sale and return them to their distributor or manufacturer, keeping in mind that these products may be considered hazardous materials.

As a reminder, electronic smoking devices (ESDs) and e-liquids are now included in the Cigarette Tax and Tobacco Tax Law, found in chapter 245 of the Hawaii Revised Statutes (HRS). Wholesalers and dealers of ESDs and e-liquids in the State of Hawaii are required to have a tobacco license issued by Hawaii's Department of Taxation (DOTAX). DOTAX may suspend, revoke, or decline to renew any tobacco license for good cause, which may include instances where a licensee has failed to comply with federal law pertaining to the sale, importation, acquisition, possession, distribution, or transportation of tobacco products. (See HRS §245-2). Recent changes in the law also include new criminal offenses relating to the shipment of tobacco products, including ESDs and e-liquids, to a person or entity in Hawaii that does not hold a tobacco license issued by DOTAX.

The Department appreciates your business' partnership in keeping illegal products off shelves, especially unauthorized, flavored e-cigarettes that could fall into the hands of children. We urge you to take all steps to ensure that you are complying with all existing state laws, which the Department enforces, and federal laws. The Department recognizes that online sales of these products are also an issue and regularly pursues actions to address such violations.

If you have any questions regarding this matter or if you have any information regarding persons or businesses that may be selling these unauthorized and illegal e-cigarettes and vaping products, please do not hesitate to contact us at atg.tobacco@hawaii.gov or by calling the Department's Tobacco Enforcement Unit at 808-586-1203.

We appreciate your help in putting an end to the distribution and sale of these unauthorized and illegal products in Hawaii.

Sincerely,



Richard Stacey
Deputy Attorney General

Enclosure