

**SB 1040**



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#### Improving Life

#### One Breath at a Time

Founded in 1904, the  
 American Lung Association  
 includes affiliated associations  
 throughout the U.S.

**TO: Senate Committee on Health**

**FOR: Hearing Scheduled for 2:45 pm  
 Monday February 9, 2009**

**RE: TESTIMONY IN SUPPORT SB 1040 Relating to Smoking**

Chair Ige, Vice Chair Green and Committee Members:

The American Lung Association of Hawaii supports SB 1040, which prohibits smoking on public beaches, parks and certain recreational areas during certain community events.

Our mission is to save lives by improving lung health and preventing lung disease through research, education and advocacy. We are dedicated to fighting for clean air both indoors and outside. Everyone has a right to breathe clean air no matter where they work, dine, gather for events or are entertained.

There are over 154,000 people in Hawaii with some type of lung disease including asthma, COPD (Chronic Obstructive Pulmonary Disease – made up of emphysema and chronic bronchitis) lung cancer, tuberculosis and other respiratory diseases. All of these diseases of the lung are either directly related to personal or second-smoking, or exacerbated by smoking. Children are especially vulnerable to second-hand smoke and they often make up the majority of people who attend outdoor community events.

We strongly support this measure to protect the health of everyone in Hawaii and assure us the clearest air possible. This is especially important as people are facing more breathing problems as a result of increasing volcanic activity and vog.

The American Lung Association in Hawaii encourages you to pass this important measure to protect the health of everyone in Hawaii. Thank you for your consideration

Respectively submitted,

Jean Evans, MPH  
 Executive Director  
 American Lung Association of Hawaii

**STATEMENT ON SB 1040**  
to the Senate Committee on Health  
Relating to smoking on public beaches, parks, and certain recreational areas during certain  
community events.

by  
Bob Speck  
652 Kumukahi Pl.  
Honolulu, HI 96825  
395-4292  
e-mail: bobspeck@attglobal.net

February 9, 2009

I am totally opposed to SB 1040

I cannot believe that the Senate is serious in proposing this bill. The bill presents no justification nor reason for its passage. It is not proper nor logical to propose a bill without any justification. Therefore, the only conclusion I can reach is that this is a hate bill aimed against smokers.

I am very disappointed that the Senate would stoop to this level. Isn't Hawaii supposed to be the land of Aloha where we all love one another? Hawaii has sure changed since I came here 40 years ago. I now wish I had not come here where as a smoker I am treated as the blacks were in the 50's.

At least the other bills banning smoking claim their purpose is to protect the health of others from secondhand smoke, although these bills are based on faulty evidence. But that argument is not even present in this bill.

In my 40 years of living in Hawaii I have never seen a more hideous bill introduced. It strikes at the very basis of our precious freedom. I am reminded of Nazi Germany.

How would this bill be enforced? I can't believe the police would enforce it. Would you not prefer to see the police attend to serious crime? All you have to do is read the newspapers to see the crime that is now running rampant in the streets. I would not obey this law, and I could do so with impunity. Martin Luther King said we have an obligation to disobey unjust laws. If you are familiar with prohibition, you know it led to massive law breaking.

What effect would this bill have on tourism? The smoking bans on restaurants and bars have already reduced the number of tourists, especially from Japan. Why are you so antibusiness? If you are not a smoker, you don't understand how smokers think. I am a smoker, and I no longer got to restaurants or bars in Honolulu because I will not spend money to be uncomfortable. I used to return to Chicago every year to attend a high school reunion. I no longer do that because Chicago has banned smoking in restaurants and bars, and again I will not spend money to be uncomfortable. It would cost about \$3,000 for my wife and me to make that trip.

I will be writing to the Japanese newspapers informing them that Japanese smokers are not welcome in Hawaii. Realize that it is not just the smokers who will not come but also those who would come with the smokers such as spouses.

If this bill passes, you will shame Hawaii! Truly, I believe the fact that this bill is even being introduced shames Hawaii! **Hawaii is becoming a nanny state.**

**THERE ARE 200,000 SMOKERS IN HAWAII THAT VOTE!**

***Better a free Hawaii than a smoke free Hawaii.***

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2009 9:16 AM  
**To:** HTHTestimony  
**Cc:** lsantos@papaolalokahi.org  
**Subject:** Testimony for SB1040 on 2/9/2009 2:45:00 PM  
**Attachments:** SUPPORT SB 1040.doc

Testimony for HTH 2/9/2009 2:45:00 PM SB1040

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: LorrieAnn Santos  
Organization: Papa Ola Lokahi  
Address: 894 Queen Street Honolulu, HI  
Phone: 597-6550  
E-mail: [lsantos@papaolalokahi.org](mailto:lsantos@papaolalokahi.org)  
Submitted on: 2/9/2009

**Comments:**

'Imi Hale Native Hawaiian Cancer Network ('Imi Hale) is one of 25 Community Network Programs funded by the National Cancer Institute's Center to Reduce Cancer Health Disparities to reduce cancer disparities through community-based participatory cancer education, training and research among racial and ethnic minorities and underserved populations. 'Imi Hale is housed within Papa Ola Lokahi, a non-profit community-based agency dedicated to improving the health status of Native Hawaiians and others in the state and Native Hawaiians across the continental U.S. by advocating, initiating, and maintaining culturally appropriate strategic actions.

## SUPPORT SB 1040

Smoking should be prohibited at community events.

Manufactured tobacco is a legal product that when used even in moderation causes disease and death. So, it's not about free will, it is about group harm and what needs to be done for the greater good of the collective – the public as a whole.


The literature and science tells us that environmental factors, in the form of tobacco product advertisement and second hand smoke exposure, exert critical influences on tobacco use. If manufactured tobacco products impose a risk to the general public and vulnerable populations – infants, children, youth, women, and other marginalized groups, its public use should be illegal.

In 2008, two certificates out of the 24th Legislative Senate and House of Representatives recognized and supported a Smoke Free Pacific, with reference to the Framework Convention on Tobacco Control as a precedent setting opportunity for the United States to address the global tobacco epidemic.

As elected officials given the power through our State Constitution to promote and maintain a healthful environment, I ask you to please support the prohibition of smoking at community events by passing SB 1040 out of Committee.



COALITION FOR A  
TOBACCO-FREE HAWAII

To: Senator David Y. Ige, Chair, Committee on Health  
Senator Josh Green, MD, Vice Chair, Committee on Health  
Members, Senate Committee on Health  
From: Trisha Y. Nakamura, Policy and Advocacy Director   
Date: February 6, 2009  
Hrg: Senate Committee on Health; February 9, 2009 at 2:45 p.m.  
Re: Support for SB 1040, Relating to Smoking

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Thank you for the opportunity to testify in support of SB 1040 which prohibits smoking during community events on public beaches, parks, and recreational areas as well as the areas within 20 feet of the nonsmoking area. We urge you to pass this measure out of committee.

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit organization of over 100 member organizations and 2,000 advocates that works to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

The Coalition worked hard in 2006 to pass the Smoke-Free Law; 85% of Hawai'i residents favor the Smoke-Free Law. Tobacco-Free Big Island, one of our local coalition partners, led the movement on the Big Island to create Smoke-Free Parks and Beaches which led to the passage of Hawai'i County Ordinance 08-56 in 2008. These laws have helped to change social norms. Our young people are growing up in a Hawai'i that promotes health by ensuring children and families are protected from second-hand smoke.

The bill at hand is an opportunity to create smoke-free areas at community events for our children and families to enjoy free of dangerous second-hand smoke. The public will be able to enjoy state or county funded functions at public beaches, parks, and recreational areas without smoke interfering with their enjoyment of the event. The law will allow many individuals who suffer from lung disease the ability, perhaps for the first time in a long time, to attend community events without fear or worry about asthma or an emphysema attack because of someone smoking nearby.

Social research indicates that children perceive what is acceptable and what they ought to do from what they understand is a normative behavior in a community. Including community events at public beaches, parks, and recreational areas in the Smoke-Free Law will eventually lead to a norm expectation of smoke-free events by children and others who use these facilities. We look forward to passage of this bill.

Thank you for the opportunity to testify on this matter.

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**From:** Michael758 [michael808a@hawaiiantel.net]  
**Sent:** Sunday, February 08, 2009 2:52 AM  
**To:** HTHTestimony  
**Subject:** testimony

**Categories:** Blue Category

Dear Senate Health Committee;

Bill: SB1040 OPPOSED

I'm opposed to this hate and this madness. Would you please leave our people that smoke alone? This bill is a waste of time!

Respectfully, Michael Zehner

750 Amana st. #608, Honolulu, HI 96814

952-0275

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 05, 2009 7:19 PM  
**To:** HTHTestimony  
**Cc:** jillf2184@yahoo.com  
**Subject:** Testimony for SB1040 on 2/9/2009 2:45:00 PM

**Categories:** Blue Category

Testimony for HTH 2/9/2009 2:45:00 PM SB1040

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jill Friedman  
Organization: Individual  
Address:  
Phone:  
E-mail: [jillf2184@yahoo.com](mailto:jillf2184@yahoo.com)  
Submitted on: 2/5/2009

**Comments:**

I support SB1040. Secondhand smoke is very dangerous and makes many people sick, triggers asthma, and at the least is a nuisance which interferes with the enjoyment of public areas and events. Secondhand smoke in public areas and events also prevents some people from attending at all. Community events need to be smokefree so that no one is excluded and everyone who attends can be safe and fully enjoy the event.

It would be preferable for beaches and parks to be smokefree all the time, and that will eventually be the case. For now we need SB1040 so that community events at least will be smokefree.