



LATE

March 18, 2009

Committee on Health
Representative Ryan Yamane, Chair
Representative Scott Nishimoto, Vice Chair

Hearing:

9:00 A.M., Friday, March 20, 2009
Hawaii State Capitol, Room 329

RE: SB528, SD1, Relating to Tobacco

Testimony in Support

Chair Yamane, Vice Chair Nishimoto, and members of the Committee on Health. Thank you for the opportunity to testify in support of SB528, SD1, which would remove the sunset clause in Act131, thus retaining retail tobacco sales permits.

In 2005, the legislature passed Act 131, which mandated that businesses engaged in the sale of cigarettes and other tobacco products at the retail level acquire a retail tobacco permit from the Department of Taxation. Removing the sunset clause will keep in place the provisions of Act 131. In addition to the tax revenues being collected, **the permitting law has had an impact on our youth smoking rates, which is 9.7%**. The issuing of retail tobacco sales permits enabled the State to compile an accurate list of retail tobacco vendors. The list was then utilized for SYNAR compliance inspections.

In 1992, Congress enacted legislation aimed at decreasing youth access to tobacco products. The legislation, known as the SYNAR Regulation (named for Congressman Mike Synar of Oklahoma), requires states to enact and enforce laws prohibiting any manufacturer, retailer, or distributor from selling or distributing tobacco products to individuals under 18 years of age. In addition to enacting and enforcing a law, states must implement annual random, unannounced compliance inspections (RUIs) to determine their buy rates of tobacco products sold to youth under the age of 18.

Tobacco sales to minors in Hawaii are declining because of youth public education, counter marketing, prevention efforts and SYNAR compliance, of which retail tobacco sales permits are an integral component.

We would request that SB528, SD1, be passed on for additional hearings by the House Finance Committee.

Mahalo for giving me the opportunity to provide testimony in support this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Massengale".

George Massengale, JD
Director of Government Relations