

STAND. COM. REP. NO. **586**

Honolulu, Hawaii

**MAR 05 2015**

RE: S.B. No. 802  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 802, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SMOKING,"

begs leave to report as follows:

The purpose and intent of this measure is to allow condominiums and cooperative housing corporations to adopt rules prohibiting smoking in units, common elements, or limited common elements.

Your Committee received testimony in support of this measure from the Department of Health, Coalition for a Tobacco-Free Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from ten individuals.

Your Committee finds that secondhand smoke incursions in multiunit housing, such as condominiums and apartments, are a common and pervasive problem in Hawaii and the United States. According to testimony from the Department of Health, approximately forty percent of the complaint calls regarding secondhand smoke exposure received by the Department relate to infiltration in multiunit housing. According to the Center for Energy and the Environment, approximately sixty-five percent of the air is shared between units in apartment buildings, meaning that one person smoking can potentially affect all other units in the building. This is particularly concerning for residents of multiunit housing in Hawaii, as the State has an above average number of multiunit dwellers and dwellings compared to the rest of



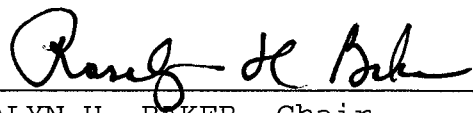
the nation. Accordingly, this measure enables condominiums and cooperative housing corporations to adopt smoke-free policies by rule, which will provide health and safety protections for owners and tenants in those multiunit dwellings and reduce the likelihood of nonuser exposure to the carcinogens found in secondhand smoke.

Your Committee has amended this measure by:

- (1) Replacing references to the term "electronic cigarettes" with the term "electronic smoking devices";
- (2) Defining "electronic smoking device"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 802, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 802, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



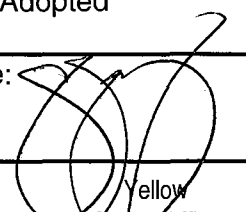
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ROSALYN H. BAKER, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 802 SD1	HTH, CPN	2/25/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)				✓
KAHELE, Gilbert	✓			
KIDANI, Michelle N.	✓			
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
<b>TOTAL</b>	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes