



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**WRITTEN ONLY**

**Testimony in OPPOSITION to SB0550, SD1  
RELATING TO HEALTH**

SENATOR GILBERT S.C. KEITH-AGARAN, CHAIR  
SENATE COMMITTEE ON JUDICIARY AND LABOR

Hearing Date: March 3, 2015

Room Number: 016

1 **Fiscal Implications:** The Department of Health (DOH) would be fiscally impacted by the  
2 measure's requirement that DOH personnel assume law enforcement activities.

3 **Department Testimony:** The DOH opposes this measure which amends §321, HRS to prohibit  
4 the possession or consumption of tobacco products and electronic smoking devices (ESDs) by  
5 minors in public places. SB0550 specifies that the DOH along with local law enforcement, shall  
6 issue a citation to the minor and will be responsible for adopting rules under §91, HRS to  
7 effectuate enforcement and penalties for this act. According to the Centers for Disease Control  
8 and Prevention (CDC), laws directed at minors' purchase, possession, or use of tobacco products  
9 when implemented alone, are not proven to reduce youth smoking rates.<sup>1</sup>

10 Smoking and tobacco use remain the leading cause of preventable illness and death in  
11 Hawaii, causing over 1,200 deaths annually and resulting in over \$526 million in economic  
12 losses. The tobacco industry nationally spends over \$8.5 billion annually on advertising and  
13 promotions; \$27 million of which is spent in Hawaii. The industry continues to market their  
14 products with images and messages which strongly resonate among children and is aggressively  
15 increasing ESD advertising to youth.

16 In the CDC Guide to Community Preventative Services, laws that prohibit possession or  
17 use of tobacco products by minors, and require youth to receive citations and participate in  
18 educational programs were reviewed and not found to be effective.<sup>2</sup> Purchase and/or Underage

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<sup>1</sup> Task force on Community Preventive Services. Tobacco. In: Zaza S, Briss PA, Harris KW, eds. The Guide to Community Preventive Services: What Works to Promote Health? Atlanta (GA): Oxford University Press; 2005:3-79.

<sup>2</sup> (Task force on Community Preventative Services; see footnote 1)

1 Possession (PUP) laws are difficult to enforce and have little or no effect on the rates of youth  
2 initiation and youth access to tobacco products.<sup>3</sup> Instead, they divert policy attention away from  
3 proven tobacco control strategies and relieve the tobacco industry of responsibility for its  
4 marketing practices.

5 The DOH supports effective measures to impact youth access to tobacco that include: 1)  
6 the passage of laws that impact the time, place, and manner as to how tobacco products and  
7 ESDs are marketed and sold; 2) a strong merchant education effort; 3) strong enforcement; 4)  
8 consistent adjudication by the courts; and 5) greater public and community awareness. These  
9 actions, when taken together, will reduce both the appeal and the access to tobacco products to  
10 Hawaii's youth.

11 Thank you for the opportunity to testify.

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<sup>3</sup> Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," *Tobacco Control*, 12(Suppl):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," *J Drug Education*, 35(4):275-290, 2005.



## Testimony OPPOSING SB 550, SD1; “Relating To Health”

The American Heart Association **OPPOSES** SB 550, SD1, “Relating To Health.”

Until comprehensive efforts to address the marketing of tobacco products to minors are exhausted, the AHA feels it would be inappropriate to hold youth responsible for behavior encouraged by tobacco marketers’ advertising. The industry spends almost \$27 million in Hawaii annually to recruit new tobacco users, most of them less than 18 years of age.

Evidence indicates that the industry pays retailers exorbitant product placement fees to insure that their products are located where they will become easily recognizable by youths, often next to candy or other sweet items that attract children’s attention. The industry knows that it needs to imprint its brand on minors today to insure that they will eventually become addicted adult tobacco users.

Rather than focus efforts on punishing the victims of tobacco, we need to focus on the victimizers.

By shifting the focus to youth possession of tobacco products, you would be diverting the focus from the root cause of the problem—tobacco industry marketing tactics—and onto children who succumb to the industry’s subliminal advertising messages. You would also be feeding the industry’s advertising and marketing strategy to make tobacco appear to be an adult “privilege” and portray smoking as “cool” to those youths reaching for a “forbidden fruit.” The end effect would help the tobacco industry to lure those children most vulnerable to their marketing messages and those most likely to rebel.

Other states’ that have attempted to address youth tobacco addiction by using laws similar to that proposed by SB 550 have shown no positive effect, and may have actually hurt proven, effective methods outlined under the CDC’s “Best Practices.” The tobacco industry’s own documents show that the strategy outlined in SB 550 was developed by the manufacturers.

Now is not the time to divert from the strategies that have been proven effective at encouraging children to avoid the trappings of tobacco addiction. Those strategies include:

- adequately funding of community tobacco prevention, education and cessation programs to at least the CDC’s recommended minimum for Hawaii, \$13.7 million annually;
- Increasing the unit price of tobacco products;
- Conducting mass media education campaigns when combined with other community interventions;

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Please remember the American Heart Association in your will.





- Mobilizing the community to restrict minors' access to tobacco products when combined with additional interventions (stronger local laws directed at retailers, active enforcement of retailer sales laws, retailer education with reinforcement)
- Implementing school-based interventions in combination with mass media campaigns and additional community efforts.

Please vote **NO** on SB 550, SD1.

Respectfully submitted by,

A handwritten signature in black ink that reads "Donald B. Weisman".

Donald B. Weisman  
Hawaii Government Relations Director

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free of cardiovascular  
diseases and stroke."*

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*Please remember the American Heart Association in your will.*





To: The Honorable Gilbert S.C. Keith-Agaran, Chair, Committee on Judiciary and Labor  
The Honorable Maile S.L. Shimabukuro, Vice Chair, Committee on Judiciary and Labor  
Members, Senate Committee on Judiciary and Labor

From: Jessica Yamauchi, Executive Director

Date: March 1, 2015

Hrg: Senate Committee on Judiciary and Labor; Tuesday, March 3, 2015 at 9:15 a.m. in Rm 016

Re: **Opposition for SB 550 SD1, Relating to Health**

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Thank you for the opportunity to offer testimony in opposition of SB 550 SD1, which prohibits possession or consumption of tobacco products, including electronic smoking devices, by any person under eighteen years of age in public places.

The Coalition for a Tobacco Free Hawaii (Coalition) is a program of the Hawaii Public Health Institute working to reduce tobacco use through education, policy and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

**The Coalition opposes making youth use and possession of tobacco products, including electronic cigarettes unlawful.**

Evidence does not support that legislation making youth use and possession of tobacco products unlawful reduces youth tobacco use. The Centers for Disease Control and Prevention outline a number of proven strategies to prevent youth tobacco use, none of which include criminalizing youth for possession or using tobacco products. Efforts include: anti-tobacco policies and programs in schools; increased restriction and enforcement of restrictions on tobacco sales to minors; reduced tobacco industry influences; decreased access to tobacco products; and increased price of tobacco products.<sup>1</sup>

**The Coalition recommends consideration of other measures to decrease youth use of tobacco products.**

Other options to deter and decrease tobacco youth initiation and continued use includes continued funding for tobacco prevention programs and counter-marketing campaigns; increasing the taxes on tobacco products and creating parity between the taxes on other tobacco products and electronic smoking devices with cigarettes; and raising the minimum age to purchase tobacco products, including electronic smoking devices, purchase to twenty-one.

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<sup>1</sup> See Centers for Disease Control and Prevention, KEY OUTCOME INDICATORS FOR EVALUATING COMPREHENSIVE TOBACCO CONTROL PROGRAMS (“Preventing Initiation of Tobacco Use Among Young People” logical model chart and explanations pp. 19-23). May 2005.



The tobacco industry still market to youth and spend approximately \$23 million per day on marketing.<sup>2</sup> The Coalition does not want to see youth criminalized for falling victim to a billion dollar industry. This measure is not a proven method of ensuring that our children never use tobacco and we respectfully ask that you hold this measure.

Thank you for the opportunity to testify on this matter.



Jessica Yamauchi, MA  
Executive Director

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<sup>2</sup> Centers for Disease Control, Smoking and Tobacco Use, Tobacco Industry Marketing.  
[http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/marketing/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/marketing/)

To Senator Wakai, Inouye Riviere, Slom, and Taniguchi

From: Student at Punahou School

Date: February 18, 2015

Re: Support for SB 550 SD1, Relating to Health

Thank you for the opportunity to offer testimony in support of SB 550, which prohibits possession or consumption of tobacco products, including electronic smoking devices, by any person under eighteen years of age in public places.

No matter where you go in the country, almost every high school has the same problems with smoking. Picture this hypothetical situation. A high school freshman boy hears about a party that an upperclassman is throwing. After convincing friends to go to the party, he is picked up by his older brother, who is eighteen year old and a senior. From his brother, this boy has already picked up the habit of smoking. In his car, the brother has cigarettes and electronic smoking devices (e-cigs). When they arrive at the party, the older brother gives the boy the cigarettes and e-cigs, and they both enter the party. The boy finds his friends, and shows them the cigarettes and e-cigs, legally supplied by his brother. He convinces his friends to try it out; it's the newest cool thing to do since all the upperclassmen do it. Even if one of the teens disagrees with this decision, he or she will fall to peer pressure and consent to smoking. Although this is a hypothetical situation, it is a common one for high school parties. Due to this, it is essential that SB 550 be passed to prevent children under 18 from becoming addicted to the drug, influencing their friends to try it, and feeling the long-term effects of smoking.

There are many aspects of this situation that have the potential for bad consequences. For example, cigarettes and e-cigs contain either tobacco or nicotine, both highly addictive substances. Symptoms caused by use of tobacco or nicotine products include, but are not limited to, intense craving for nicotine, depression, anxiety, headaches, and problems concentrating.<sup>1</sup> In addition to the side effects of consuming these addictive substances, studies have shown that nicotine is a gateway drug. In November of 2011, an experiment supported by the National Institute on Drug Abuse determined that by using nicotine, a person was thereby making their brains more susceptible to cocaine and marijuana addiction. A national survey taken during this study revealed that "over 90% of adult cocaine users between the ages of 18 and 34

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<sup>1</sup> "Nicotine and Tobacco." *Medline Plus*. N.p., n.d. Web. 17 Feb. 2015.  
<<http://www.nlm.nih.gov/medlineplus/ency/article/000953.htm>>.

had smoked cigarettes before they began using cocaine"<sup>2</sup>. Therefore, in this hypothetical situation, the boy and his friends have just made themselves more likely to become hooked on cocaine or other addictive drugs. SB 550 would help prevent this occurrence.

The influence of the boy on his friends to try smoking is another problem that arises in the hypothetical. For most teenagers, the use of cigarettes or e-cigs is not done alone. Instead, it becomes a social concept. Maybe the "cool" kids are smoking, and you are new. To fit in, you decide to smoke too. Or, maybe you have a boyfriend, girlfriend, or close friend that is pressuring you to try it. Either way, smoking has become part of many teenagers' social environments. Because of this, the temptation to smoke, and all the risks that accompany it, increases.

Overall, SB 550 is a necessary law that should be passed to protect children under 18 from becoming addicted to the drug, influencing their friends to try it, and feeling the long-term effects of smoking.

Sincerely,  
Anna Kimata

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<sup>2</sup> "Why Nicotine is a Gateway Drug." *National Institutes of Health*. N.p., n.d. Web. 17 Feb. 2015. <<http://www.nih.gov/researchmatters/november2011/11212011nicotine.htm>>.



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**Subject:** \*Submitted testimony for SB550 on Mar 3, 2015 09:15AM\*  
**Date:** Saturday, February 28, 2015 4:03:26 PM

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**SB550**

Submitted on: 2/28/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

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**SB550**

Submitted on: 3/2/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Wells	Individual	Oppose	No

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To:

The Honorable Josh Green, Chair

The Honorable Glenn Wakai, Vice Chair

The Honorable Rosalyn H. Baker, Chair

The Honorable Brian T. Taniguchi, Vice Chair

Members of the Senate Committee on Health

Members of the Senate Committee on Commerce and Consumer Protection

Thank you for the opportunity to submit testimony in support of SB 550 which urges Hawai'i State to prohibit minors the possession and consumption of tobacco products and electronic smoking devices.

I am a senior at Moanalua High School. I stand strongly in support SB 550.

Being a teenager it saddens me to see kids my age and younger using tobacco products and electronic smoking devices. It is legal but hurtful to the health of minors deteriorating from the use of these products.

When electronic smoking devices first got popular in minors, students would bring and use the devices in school and during class. School administration soon created rules against bringing and using electronic smoking devices in schools. Rules were in place concerning tobacco products in schools prior to the introduction of electronic smoking devices. These school rules do not prevent students from using tobacco products and electronic smoking devices in general. At my particular school campus, after school smoking right off of campus is a problem. It creates a negative image of my school and officials cannot stop this situation. I have heard about similar situations at other schools.

Minors are not allowed to purchase tobacco products to prevent minors from using the products. Bigger measures should be taken to prevent kids from using these harmful products and devices.

I kindly ask you to pass this measure.

Thank you,

Devin Soogrim

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**SB550**

Submitted on: 2/26/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jake J. Watkins	Individual	Oppose	No

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**SB550**

Submitted on: 2/25/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

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**SB550**

Submitted on: 2/28/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ke Nguyen	Individual	Oppose	No

Comments:

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TO: Members of the Senate Committees on Health and Commerce and  
Consumer Senate Bill 550 SD1 (2015) – **SUPPORT**

Date: Friday, February 12, 2015

FROM: Matthew Dufale Farrington High School Student

As a young teenager I see other people around me smoking under the age of 18 and as a future health provider I understand the affects that smoking can lead to. I strongly support the efforts to pass SB 550 SD1, which will raise the age of sale of all tobacco products to 21years old.

Being a teenager and watching people my age smoking tobacco products, especially electronic cigarettes are very heart breaking. Its weird to see that it is illegal to consume under the age of 21 and not smoking because to me both smoking and alcohol are equally dangerous. On the top of my head I know that smoking can cause gum disease, diabetes, and rheumatoid arthritis, as well as cancers such as, pancreatic cancer, liver cancer, lung cancer and myeloid leukemia, and the list goes on. I know to some teens smoking might be cool and E Cig tricks are becoming very popular as well, but they are unaware of the damage they are causing to themselves and I think this bill will help promote and stop underage smoking.

Tobbaco can cause countless health issues and seeing that its not illegal for people under the age of 18 to smoke, worries me as a student and as a member of a community. I Strongly support the SB 550 SD 1 bill to end underage smoking.

Thank you for saving teens like me.

Sincerely,  
Matthew Dufale

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**SB550**

Submitted on: 2/28/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi C. Liu	Individual	Oppose	No

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**SB550**

Submitted on: 2/26/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Winters	Individual	Oppose	No

Comments:

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**From:** Patricia Ongcangco  
**To:** HTHT testimony  
**Subject:** Support HB1030  
**Date :** Wednesday, February 11, 2015 5:40 PM

February 11, 2015

To: The Honorable Josh Green, Chair  
The Honorable Glenn Wakai, Vice Chair  
The Honorable Rosalyn H. Baker, Chair  
The Honorable Brian T. Taniguchi, Vice Chair  
Members of the Senate Committee on Health  
Members of the Senate Committee on Commerce and Consumer Protection

Re: Strong Support for SB550, Relating to Health

Hrg:March 2, 2015 at 9:15AM in Room 229

Thank you for the opportunity to submit testimony in support of SB550 Prohibits possession or consumption of tobacco products, including electronic smoking devices, by any person under eighteen years of age in public places.

I am currently a Senior at Radford High School where the issues of tobacco/use of electronic smoking device has been brought upon our attention. In the last two years the use of electronic cigarettes in High Schools all over the island has tripled from about 5% to 17%, while in middle schools, the numbers have quadrupled from 1.8% to 7.9%. With that said the use of these "e-cigs" have proven to urge more of our youth to go straight to using/purchasing tobacco because big tobacco companies provide ads within these electronic products, preying on these teens and giving them an early start to having health risks.

Hawaii has the opportunity to be the first state to do this. We respectfully ask you to pass this measure.

Mahalo,

Patricia Ongcangco  
91-12767 Kilipue St.  
Ewa Beach, HI 96706

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**SB550**

Submitted on: 3/2/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Higa	Individual	Oppose	No

Comments:

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## Ban on underage smoking & ecigs

People under the age of 18 years old should be banned from possessing and consuming tobacco products and ecigs. The State of Hawaii only bans buying and selling of tobacco to people under the age of 18 but does not ban consuming tobacco products. Tobacco products should be banned from possessing and smoking by teens under the age of 18 years old. Alcohol is banned from those under the age of 21 from possessing, drinking, and purchasing. It doesn't make sense that alcohol is banned from possessing and consuming by those under the age of 21 while tobacco is not. A common situation to get around the loophole by teens under the age of 18 is to have an adult buy the tobacco. Ecigs should also be banned from possession and usage by those under the age of 18. E-cigarettes have a non-nicotine and nicotine liquids which eludes minors to try something that is similar to smoking. Ecigarettes can be used to deliver nicotine which brings minors closer to the use of cigarettes or tobacco related products. I, Terry Lam, believe that possessing and consuming of tobacco products and electronic smoking devices should be banned from those under the age of 18.

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**SB550**

Submitted on: 3/2/2015

Testimony for JDL on Mar 3, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments: It best now as many young people smoking and doing drugs. This is a law that helps with consequences if not followed

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