



Date: April 7, 2016

To: The Honorable Sylvia Luke, Chair
The Honorable Scott Nishimoto, Vice Chair
Members of the House Committee on Finance

From: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute

Re: **Strong Support for SB2083, HD1 Relating to the Statewide Traffic Code**

Hrg: April 7, 2016 at 2:01pm at Capitol Room 308

The Coalition for a Tobacco-Free Hawai'i **STRONGLY SUPPORTS** SB 2083, HD1 which prohibits smoking in a motor vehicle when a minor is present.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With nearly two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

82% of Hawai'i residents support legislation for smoke-free cars when minors are presentⁱ.

An independent poll conducted by Ward Research Inc. for the Coalition, in November 2015 finds that 82% of registered Hawai'i voters support a law that would prohibit smoking in a vehicle when children under the age of 18 are present. In addition, 7 out of 10 (71%) smokers indicated that they would support this policy. The Coalition also collected more than 2,400 petitions from students and parents across the state in support of this issue.

Smoke-free cars, like any public health law, exist to protect the health and safety of our children.

Smoke-free cars are similar to current laws on public safety such as seatbelts, child car seats, and prohibiting the use of cell phones while driving. All of these laws require enforcement from our local police departments, however, in addition to enforcement education around laws is key. The goal of the smoke-free cars law is to protect our children and to educate parents and other adults on the dangers of children inhaling secondhand smoke and should not be an additional burden to the police. Similar to



other smoke-free laws, the Coalition is able and willing to partner with the Department of Health and law enforcement to assist with education.

Smoke-free policies are proven to be effective at reducing smoke exposure.

Data from 2008-2014 on the smoke-free cars law in Wales reported a 50% decline in the percentage of children exposed to smoke in their family vehicle since the law passedⁱⁱ. The Surgeon General has stated that no amount of secondhand smoke is safe, and that inhaling secondhand smoke can make you sick and kill youⁱⁱⁱ. According to the Centers for Disease Control and Prevention, the only way to protect children from secondhand smoke is to stop smoking in your home and car. Secondhand smoke is particularly dangerous for children because they breathe in more air than adults and because their lungs are still developing. Each time they inhale secondhand smoke, they breathe in 7,000 chemicals, 200 of which are poisonous, and 69 are known to cause cancer. Seven states in the U.S. as well as several countries such as France, South Africa, and the entire United Kingdom have passed laws to prohibit smoking when children and young people are present. This year, twelve additional states are pursuing similar legislation.

Secondhand smoke in cars can be 10 times more toxic, even when a window is down^{iv}.

Secondhand smoke (SHS) particles deposit deep in your lungs, and Stanford researchers have found that smoking just two cigarettes exposes passengers and children to secondhand smoke that is 10 times more toxic than what the U.S. Environmental Protection Agency (EPA) considers hazardous air quality, even when the windows are the down. Exposure to secondhand smoke for as little as 10 seconds can stimulate asthmatic symptoms in children^v. Further, smoking emits fifty times more fine particles into a car than those emitted per-mile by a car's tailpipe^{vi vii}.

We strongly urge you to pass SB 2083, HD1 and protect our youth from secondhand smoke including aerosol from electronic smoking devices (ESDs) or e-cigarettes.

ESDs contain harmful ingredients such as nicotine and cancer-causing chemicals that are inhaled by those exposed to e-cigarette aerosol. In 2010, Hawai'i County passed legislation that prohibits smoking in vehicles when a minor under the age of 18 is present and in 2014 passed legislation to include electronic smoking devices in this law. In 2015, the State Legislature passed HB 940 (Act 19) which now includes ESDs in the statewide smoke-free air law (HRS 328J). As new tobacco laws are passed it is important to include ESDs as the aerosol emitted from ESDs contain harmful chemicals, and it is essential that we protect the public from secondhand smoke.



Hawai'i has been a leader, protecting the public and its visitors from the dangers of secondhand smoke, and now, the State Legislature has the opportunity to protect its children and young people from the harmful impacts of secondhand smoke in vehicles.

We hope that Hawai'i can continue being an example for other states in the nation in promoting clean, smoke-free, and healthy environments for our residents and families.

Thank you for the opportunity to provide testimony, and we respectfully ask that you pass SB2083, HD1 out of committee.

Mahalo,

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

Trish La Chica
Policy and Advocacy Director

ⁱ This study by War Research, Inc. summarizes findings from a phone survey among n=806 Hawaii registered voters, conducted between October 17 and November 8, 2015.

ⁱⁱ More GF, Moore L, Littlecott HJ,, Ahmed N, Lewis S, Sully G, Jones E, Holliday J. (2015) Prevalence of smoking restrictions and child exposure to secondhand smoke in cars and homes: a repeated cross-sectional survey of children aged 10-11 years in Wales. *BMJ Open*. <http://orca.cf.ac.uk/72806/1/Moore%20et%20al.%202015.pdf>

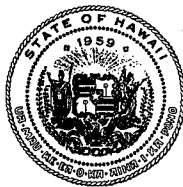
ⁱⁱⁱ The Health Consequences of Involuntary Exposure to Secondhand Smoke, A Report of the Surgeon General. <http://www.surgeongeneral.gov/library/reports/secondhandsmoke/secondhandsmoke.pdf>

^{iv} Ott, W. R., Klepeis, N. E., Switzer P. (2007) Air Change Rates of Motor Vehicles and In-Vehicle Pollutant Concentrations from Secondhand Smoke. *Journal of Exposure Science and Environmental Epidemiology*. doi:10.1038/sj.jes.7500601. <http://www.tobaccosmoke.org/OKS07>

^v Rees V, Connolly G. Measuring air quality to protect children from secondhand smoke in cars. *Am J Prev Med* 2006; 31(5):363-8.

^{vi} Maricq, M. M., Podsiadlik, D. H., Chase, R. E. (1999) "Examination of the Size-Resolved and Transient Nature of Motor Vehicle Particle Emissions." *Environmental Science and Technology*, 33 (110): 1618-1626. <http://pubs.acs.org/cgi-bin/abstract.cgi/esthag/1999/33/i10/abs/es9808806.html>.

^{vii} Nazaroff WW and Klepeis NE (2003) "Environmental Tobacco Smoke Particles," In: *Indoor Environment: Airborne Particles and Settled Dust*, edited by Lidia Morawska and Tunga Salthammer, Wiley-VCH, Weinheim, October 2003.



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**Testimony in SUPPORT of SB2083 HD1
RELATING TO THE STATEWIDE TRAFFIC CODE**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: April 7, 2016

Room Number: 308

1 **Fiscal Implications:** None for the Department of Health.

2 **Department Testimony:** The Department of Health (DOH) supports this measure to protect
3 youth from involuntary exposure to tobacco smoke in motor vehicles. The definition of “smoke
4 and smoking” in HRS 328J-1, includes the use of electronic smoking devices (ESD). The DOH
5 defers to the county police departments regarding enforcement practices. The penalty for an
6 infraction is \$100.

7 The dangers of secondhand smoke are well-documented, and have led to the successful
8 enactment of smoke-free workplace and public place laws both in Hawaii and across the nation.
9 More than half of all U.S. states have smoke-free workplace laws, and in recent years, Hawaii’s
10 smoke-free policies have expanded to include beaches, parks, and bus stops. Leading health
11 authorities throughout the world concur that there is no risk-free level of exposure to secondhand
12 smoke, and that the only effective way to protect people from harm is to eliminate smoking in
13 enclosed spaces.¹

14 While smoke-free public place laws have become increasingly accepted by the public and
15 are largely self-enforcing, unfortunately, these laws fail to protect children from secondhand
16 smoke in the two settings where they commonly face exposure – homes and cars. Recent

¹ Susan R. Weisman, Public Health Law Center, Kids, Cars and Cigarettes: Policy Options for Smoke-Free Vehicles (2010). Retrieved from http://publichealthlawcenter.org/sites/default/files/resources/phlc-policybrief-kidscarssmoke-2010_0.pdf (accessed 2016 January 25).

1 scientific studies have produced overwhelming evidence that children, cars, and cigarettes are a
2 very dangerous combination, leading researchers and policymakers to conclude that voluntary
3 smoke-free vehicle policies do not and cannot adequately protect children from harm in this
4 contained environment. Educational campaigns about smoking in cars can help shape
5 community norms and impact individual behavior; however, in the absence of a legislative
6 mandate, those who are most vulnerable—particularly children—remain powerless to avoid
7 exposure or protect themselves from harm.²

8 Hawaii County addressed protecting minors from secondhand smoke with the smoke free
9 cars code, Section 14-21(12), Ordinance No. 10-33; in place since August 2010. Voluntary
10 measures fail to protect youth from secondhand smoke exposure because most children cannot
11 advocate for their rights, and are not free to leave a car that is smoke-filled. Infants and toddlers
12 can exhibit respiratory distress and show other symptoms, but cannot verbalize distress. Older
13 children and teens may be able to communicate verbally, but may not feel free to speak up, for
14 fear of parental admonishment or peer pressure.

15 A new study published by the U.S. Centers for Disease Control and Prevention (CDC)
16 indicates that nearly half of American youth who have never used tobacco are exposed to
17 harmful secondhand smoke – many in their family cars.³ According to the 2013 Hawaii Youth
18 Tobacco Survey, approximately 24% of Hawaii high school students who were surveyed
19 reported being exposed to secondhand smoke in a vehicle in the past week.⁴

20 Extensive scientific literature shows that passive smoke exposure in a confined space –
21 such as inside a car – is particularly harmful. Further studies demonstrate that the concentration

² *Ibid.*

³ Agaku, I. T., Singh, T., Rolle, I., Olalekan, A., & King, B. A. (2016). Prevalence and Determinants of Secondhand Smoke Exposure among Middle and High School Students. *Pediatrics*. Retrieved January 25, 2016 from <http://pediatrics.aappublications.org/content/pediatrics/early/2016/01/08/peds.2015-1985.full.pdf>

⁴ *Secondhand Smoke Exposure in the Past 7 Days by School Type, State, Gender, Grade Level, DOH Race-Ethnicity, for the Year(s) - 2000, 2003, 2005, 2007, 2009, 2011, 2013* (Rep.). (2015, January 23). Retrieved January 25, 2016, from The Hawaii Health Data Warehouse website: http://hhdw.org/wp-content/uploads/YTS_Secondhand-Smoke_IND_000012.pdf

1 of toxins in a smoke-filled car is 23 times greater than that of a smoky bar.^{5,6} Children are also
2 especially vulnerable to the contaminants of secondhand smoke because their bodies are still
3 developing.^{7,8} Children breathe more rapidly than adults, and therefore inhale more harmful
4 chemicals per pound of their weight than do adults in the same amount of time. Not surprisingly,
5 children are even more vulnerable to secondhand smoke exposure in small confined spaces, such
6 as cars.⁹

7 Thank you for the opportunity to testify on this important measure.

8 **Offered Amendments:** None.

⁵ Edwards R, Wilson N, Pierse N. Highly hazardous air quality associated with smoking in cars: New Zealand pilot study. *N Z Med J.* 2006;119(1244).

⁶ Rees VW, Connolly GN. Measuring air quality to protect children from secondhand smoke in cars. *Am J Prev Med.* 2006;31:363-368.

⁷ U.S. Dep't of Health and Human Services, Office of the Surgeon General, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General 11* (2006), Retrieved on January 25, 2016 from <http://www.ncbi.nlm.nih.gov/books/NBK44324/>.

⁸ Env'tl. Protection Agency, Fact Sheet: Respiratory Health Effects of Passive Smoking, EPA, Retrieved from January 25, 2016 from <http://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=2835&CFID=45050326&CFTOKEN=64367122>.

⁹ Non-Smokers' Rights Ass'n, Smoking and Health Action Foundation, *Second-hand Smoke in Homes and Cars 3-4* (2007) Retrieved on January 25, 2016 from http://www.nsra-adnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf.