

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2859
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2859
entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to protect the health of
Hawaii's youth by making the use of tobacco products by minors
unlawful.

Specifically, this measure makes it unlawful for a minor
under eighteen years of age to use tobacco in any shape or form,
including chewing tobacco and snuff and requires the minor to
attend a tobacco cessation program and be subject to other
penalties for first, second, and third offenses.

Your Committee received testimony in support of this measure
from the Department of the Attorney General, the Hawaii Food
Industry Association, and six individuals. Your Committee
received testimony in opposition to this measure from the
Department of Health, the Coalition for a Tobacco Free Hawaii, the
American Heart Association, and one individual.

Your Committee finds that this measure attempts to close a
loophole in the current law that makes it unlawful for minors to
purchase tobacco products by also making it unlawful for minors to
use tobacco products. Your Committee further finds that, though
comprehensive measures need to be implemented to encourage youths
to adopt healthy behaviors, data has shown that criminalizing



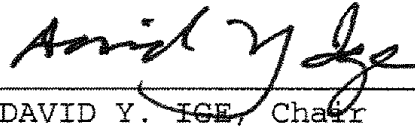
tobacco use by minors does not necessarily deter them from its use.

Your Committee has amended this measure by:

- (1) Clarifying that "use" of any tobacco product purchased, possessed, or used by a minor shall be considered contraband;
- (2) Inserting language that makes a tobacco product that is labeled or packaged as such, prima facie evidence that the person engaged in the conduct; and
- (3) Inserting language that suspends a minor's ability to apply for a license or permit, who has not yet attained the age requirement to apply for a license or permit, for one year after attaining the required age;

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2859, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Health,




DAVID Y. ICE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2859	Committee Referral: HTH, JDL	Date: 02-14-08		
<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
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.		✓		
MENOR, Ron	✓			
WHALEN, Paul	✓			
TOTAL	4	1		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes