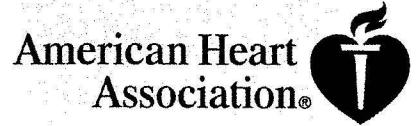


The American Heart Association mission is:
To reduce disability and death from cardiovascular diseases and stroke.



*Learn and Live*SM
Serving Hawaii

LATE TESTIMONY

Testimony Opposing HB 2934; "Relating To Tobacco"

The American Heart Association opposes HB 2934, "Relating To Tobacco."

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 upward of \$12 billion nationally each year and close to \$50 million in Hawaii to recruit new smokers, 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. The industry's most recent ploy targeted at enticing young people involves the inclusion of candy and fruit flavors in tobacco products and marketing those products in a way that makes them most attractive to the young.

If you think that well-funded tobacco prevention and control programs don't work, look no further than Massachusetts which saw its once well-funded tobacco control program stripped of its tobacco settlement funding and within a year witnessed youth smoking rates triple. 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.

Please vote no on HB 2934.

Respectfully submitted by,

Donald B. Weisman
Hawaii Communications and Marketing/Government Affairs Director

Serving Hawaii since 1948

For information on the AHA's educational or research programs, contact your nearest AHA office, or visit our web site at www.americanheart.org or e-mail us at hawaii@heart.org

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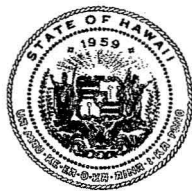
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Please remember the American Heart Association in your will.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
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In reply, please refer to:
File:

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS
CONCERNS

HB 2934, RELATING TO TOBACCO PRODUCTS

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 5, 2008, 8:30 AM

- 1 **Department's Position:** The Department of Health shares the legislature's concern over the need to
2 further reduce the prevalence of youth smoking. The Department does not support this measure in that
3 the Centers for Disease Control and Prevention (CDC) has determined that laws directed at minors'
4 purchase, possession or use of tobacco products when implemented alone, yield insufficient evidence to
5 determine effectiveness. In short, while they may do no harm, they have not shown effectiveness in
6 reducing youth smoking rates.
- 7 **Fiscal Implications:** None
- 8 **Purpose and Justification:** This bill amends section 709-908, HRS to prohibit the possession and use
9 of tobacco products by minors. The bill continues to allow a minor to purchase or possess tobacco
10 products in controlled purchases as part of a law enforcement activity or authorized study. The bill
11 permits the possession of tobacco products by a minor in the course of delivery, under the direction of
12 the minor's lawful employer. The bill continues the existing structure of fines to both the buyer, seller
13 and now includes those possessing or using tobacco products be included under the existing structure of
14 fines and penalties for the "buyer".

1 Smoking and tobacco use remain the leading cause of preventable illness and death in Hawaii,
2 causing over 1,100 deaths annually and resulting in over \$525 million in economic losses. The tobacco
3 industry currently spends over \$8 billion annually on advertising and promotions, \$48 million in Hawaii.
4 The industry has unfortunately created images and messages which strongly resonate among our
5 children.

6 In the CDC Guide to Community Preventive Services, a review of laws that prohibit possession
7 or use of tobacco products by minors enacted by communities and states that require minors to receive
8 citations and participate in educational programs have been found to be ineffective. CDC's review
9 found insufficient evidence to determine the effectiveness of these laws as to whether they actually
10 worked. Further, these laws had little or no effect on the rates of youth initiation or youth access to
11 tobacco products.

12 The Department feels more effective measures to impact youth access to tobacco include: 1) the
13 tobacco permitting law passed by the legislature in 2005 and went into effect in December 2006; 2) a
14 strong merchant education effort; 3) strong enforcement; 4) consistent adjudication by the courts; and 5)
15 greater public and community awareness. These actions, when taken together, will reduce both the
16 appeal and the access to tobacco products to Hawaii's youth.

17 Thank you for the opportunity to testify.

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