

STAND. COM. REP. NO.

326

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 56  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Health and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 56 entitled:

"A BILL FOR AN ACT RELATING TO ENFORCEMENT OF THE SMOKING PROHIBITION,"

beg leave to report as follows:

The purpose of this measure is to encourage bars, businesses, nightclubs, and restaurants to comply with the smoking prohibition that was passed by the Legislature in 2006 by:

- (1) Increasing penalties for violations;
- (2) Making compliance a condition of liquor license renewal;  
and
- (3) Providing shared jurisdiction of enforcement to the Department of Health and the liquor commissions of each county.

Your Committees received testimony in support of this measure from the American Cancer Society, the American Lung Association, and the Coalition for a Tobacco-Free Hawaii. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Liquor Commission, the Hawaii Bar Owner's Association, and three individuals.



Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that slow enforcement of the smoking prohibition has resulted in continued employee exposure to second-hand smoke and an unequal impact on local businesses.

Your Committees further find that the increase in fines proposed in this measure is a valid source of revenue to pay for the costs of enforcement. In addition to the fee increase, your Committees would encourage the Department of Health to identify funds that will ensure that the Department and the respective liquor commissions are able to appropriately implement enforcement of the smoking prohibition.

Your Committees have amended this measure by changing the effective date to July 1, 2050 to encourage further discussion on this matter.

As affirmed by the records of votes of the members of your Committees on Health and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 56, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 56, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and  
Transportation, International  
and Intergovernmental Affairs,

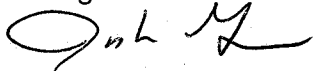
  
\_\_\_\_\_  
J. KALANI ENGLISH, Chair

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

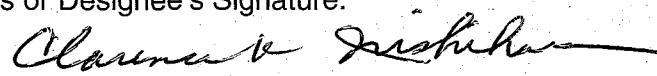
**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 50	HTH / TIA, JGO	2-18-9		
<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)	✓			
GREEN, M.D., Josh (VC)			✓	
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	4	0	1	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 56	HTH/TIA, JGO	2/18/09		
<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
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
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	

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