

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**HOUSE COMMITTEE ON PUBLIC SAFETY**

**SB1073, SD1, HD1, RELATING TO CORRECTIONAL FACILITIES**

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

**April 02, 2009, 9:30 AM**

1 **Department's Position:** The Department of Health supports the intent of this measure to clarify the  
2 exemption in Chapter 328J, HRS that permits smoking outside of correctional facilities.

3 **Fiscal Implications:** none

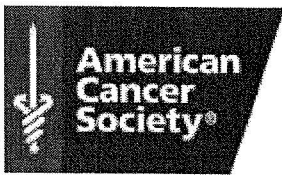
4 **Purpose and Justification:** The bill would amend Chapter 328 J, HRS to clarify the exemption that  
5 permits smoking outside of correctional facilities.

6 The Hawaii Smoke Free Workplace and Public Places Law was always intended to provide  
7 protections to all workplaces that were enclosed or partially enclosed as defined in the law. At the time  
8 of the passage of this statute in 2006, the Department of Public Safety requested the exemption that was  
9 granted in the law giving them additional time to bring Hawaii's correctional institutions to a point  
10 where implementation of a smoke free correctional system could be achieved.

11 Across the nation, most states have already implemented smoke free prison systems that have  
12 created a healthier environment for inmates and staff alike, reduced the risk of both acute and chronic  
13 tobacco related diseases, and created savings in health care costs. This exemption is a major step in  
14 creating a healthier, smoke free environment for Hawaii's correctional system.

1           We request that the language in section #7 on page 2, line 16 of the bill be amended to add the  
2 following language at the end of the item to better assure compliance with the existing statute, Chapter  
3 328J-6 to read as follows, “and conforms at a minimum to the presumptively reasonable distance  
4 requirements set forth in 328J-6.”

5           Thank you for the opportunity to testify.



# LATE TESTIMONY

April 1, 2009

Committee on Public Safety  
Representative Fay Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

**Hearing:**

9:30: A.M., Thursday, April 2, 2009  
Hawaii State Capitol, Room 309

**RE: SB1073, SD1, HD1; Relating to Correctional Facilities**

## Testimony in Support

Chair Hanohano, Vice Chair Aquino, and members of Committee on Public Safety. My name is George Massengale and I am here on behalf of the American Cancer Society Hawaii Pacific Inc. Thank you for the opportunity to testify in strong support of SB1073, SD1, HD1, which repeals the exception that allows smoking in correctional facilities.

The American Cancer Society Hawaii Pacific Inc., was founded in 1948, and is a community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service. This includes strongly advocating for strong tobacco control policies.

Four years ago, I was hired by the American Cancer Society to coordinate advocacy efforts directed at passing Hawaii's Smoke-Free Law. The original smoke-free bill did not have an exception for correctional facilities. It was put in at the request of the Director of Public Safety who expressed behavioral concerns. (Prisoners who were not able to smoke would become a behavioral management problem.). We would point out the concern express by DPS was unfounded, in addition we would note that **the two largest prison systems in the United States are smoke-free, the Federal Bureau of Prisons (FBP) with 198,000 inmates and the California Department of Corrections (CDOC) with 174,000. When implementing their no-smoking policy neither FBP or CDOC experienced any major problems.**

With respect to SB1073, SD1, HD1, the Society believes it is time to bring the state correctional system in line with the rest of the state in providing a smoke-free working environment and smoke-free correctional facilities. We wholeheartedly support this measure.

Thank you giving me to opportunity to testify here today.

Very truly yours,

A handwritten signature in black ink, appearing to read "George S. Massengale".

George S. Massengale, JD  
Director of Government Relations