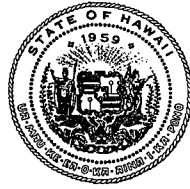


SB 1073

Measure Title:
RELATING TO CORRECTIONAL FACILITIES

Report Title:
Correctional Facility; Smoking Exception

Description:
Repeals the exception that allows smoking in correctional facilities.



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

In reply, please refer to:
File:

**SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
AND COMMITTEE ON HEALTH**

SB1073, RELATING TO CORRECTIONAL FACILITIES

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

February 26, 2009, 1:15pm

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

3 **Fiscal Implications:** none

4 **Purpose and Justification:** The bill would amend Chapter 328 J, HRS to repeal the exemption that
5 permits smoking in 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. The repeal of this exemption is a
14 positive step in creating a healthier, smoke free environment for Hawaii's correctional system.

15 Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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TOMMY JOHNSON
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Corrections

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Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 1073
RELATING TO CORRECTIONAL FACILITIES
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Senate Committee on Health
Senator David Y. Ige, Chair
Senator Josh Green, M.D., Vice Chair

Thursday, February 26, 2009; 1:15PM
State Capitol, Conference Room 229

Senator Espero, Senator Ige, and Members of the Committees:

The Department of Public Safety (PSD) strongly supports Senate Bill 1073, which seeks to prohibit smoking in all correctional facilities statewide. As you know, the purpose of this measure is to repeal the exemption from the ban on smoking for State correctional facilities, which will provide a healthier environment for those incarcerated, staff, and visitors to the facilities.

As PSD is responsible for the maintenance and improvement of the inmates' health, stopping smoking in our facilities significantly increases the health of the inmates, while simultaneously decreasing the long-term cost to care of those incarcerated. If enacted, this measure would also eliminate the possibility of lawsuits as a result of second hand smoke inhalation.

Further, when an individual quits smoking, there is an immediate drop in person's pulse rate and blood pressure and within months, there is a marked improvement in lung function, capacity, and circulation. The risk of cancer of the lung, mouth, throat, esophagus, bladder, cervix, and pancreas also decreases.


After one year of not smoking, the risk of heart disease is decreased by 50% and in five years the risk of stroke is equal to that of a nonsmoker. After ten years the lung cancer death rate is about 50% of a smoker's. After fifteen years, the risk of heart disease equals that of a nonsmoker. Overall, a male loses 13.2 years of life as a smoker and a female loses 14.5 years.

It is also important to protect the rights of nonsmoking inmates and staff by providing an environment free from the exposure of harmful secondary smoke, which contains several carcinogens, all of which are extremely harmful to the human body.

Thank you for the opportunity to provide testimony on this matter.



COALITION FOR A
TOBACCO-FREE HAWAII

To: Senator Will Espero, Chair, Public Safety & Military Affairs Committee
Senator Robert Bunda, Vice Chair, Public Safety & Military Affairs Committee
Senator David Y. Ige, Chair, Health Committee
Senator Josh Green, M.D., Vice Chair, Health Committee
Members, Senate Joint Committee on Public Safety & Military Affairs and Health
From: Trisha Y. Nakamura, Policy and Advocacy Director 
Date: February 24, 2009
Hrg: Senate Committee on PSM/HTH; February 26, 2009 at 1:15 p.m.
Re: **Support for SB 1073, Relating to Correctional Facilities**

Thank you for the opportunity to testify in support of SB 1073, which would make correctional facilities in Hawaii smoke-free—and healthy for all.

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit organization of over 3,000 organizations and advocates that works to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

Adding State correctional facilities to the list of smoke-free workplaces would ensure adult correctional officers have the same protections that are extended to the majority of our state's employees—a work environment free of dangerous second-hand smoke. SB 1073 would also create a healthier prisoner population by eliminating dangerous second-hand smoke and by preventing inmates from smoking. Most correctional facilities and prisons in our state are already smoke-free and there have been no problems that the Coalition knows of.

Thank you for the opportunity to testify on this matter.



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Improving Life
One Breath at a Time
Founded in 1904, the
American Lung Association
includes affiliated associations
throughout the U.S.

**TO: Senate Committee on Public Safety and Military Affairs and
Senate Committee on Health**

FOR: Hearing Scheduled for 1:15 pm, Thursday, February 26, 2009

**RE: TESTIMONY (WITH SUGGESTIONS) IN SUPPORT OF SB 1073
RELATING TO CORRECTIONAL FACILITIES**

Chairs Espero & Ige, Vice Chairs Bunda & Green, and Committee Members:

The American Lung Association in Hawaii (ALA in Hawaii) supports SB 1073 that repeals the exception that allows smoking in correctional facilities. However we do have some concerns about the implementation of this measure.

While the prisons in Hawaii voluntarily went smoke-free on February 1, 2009, we would like to see the exception removed from the smoke-free law. The ALA in Hawaii is currently providing cessation services at two correctional facilities. We have some major concerns regarding what is actually happening in these facilities. Prison personnel and visitors continue to smoke cigarettes in front of the incarcerated, perhaps not inside, but on the grounds close enough to be seen and the secondhand smoke to be inhaled. This makes it much more difficult for those in the correctional facilities to have a positive attitude about quitting, which is necessary if they are to succeed. We propose that all correctional facility property (indoors and outside) be nonsmoking areas. This must apply to employees, visitors and inmates alike. In addition, we recommend that no tobacco products be allowed on the correctional facilities campuses. Visitors and employees currently are allowed to carry these products on them and they can easily be seen and smelled by the inmates.

Kicking the smoking addiction is not easy. Everyone, including those incarcerated, should have all the tools available to assist them in this difficult task, including cessation medications and programs. Currently medications are not being made available and programs are very limited.

We are also concerned that cigarettes continue to be readily available on the black market.

We support this measure, but strongly recommend that the smoking ban be for everyone and cover all indoor and outside areas in correctional facilities. Tobacco products must also be prohibited from being carried onto the property by employees and visitors. In addition, comprehensive cessation services including all recommended medications must be made available and contraband cigarettes must be controlled.

Respectfully submitted,

Jean Evans, MPH, Executive Director, ALA in Hawaii