
From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 18, 2009 2:30 PM
To: HTHTestimony
Cc: retat43@hawaii.rr.com
Subject: Testimony for SB56 on 2/18/2009 2:45:00 PM

Categories: Green Category, Blue Category

Testimony for HTH-TIA 2/18/2009 2:45:00 PM SB56

Conference room: 016
Testifier position: oppose
Testifier will be present: No
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Comments:
Absurd !

COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

DATE: Wednesday February 18, 2009
TIME: 2:45 PM
PLACE: Conference Room 016

SB56

Position - Strongly Opposed

RELATING TO A DRACONIC ENFORCEMENT SCHEME REGARDING THE SMOKING BAN

Aloha Senate Chair English and good afternoon Senate Committee Members,

It is amazing to me that our Department of Health who fought so hard to pass the current smoking ban law, now wants to absolve themselves from the responsibility of enforcing that law as currently required by and initially intended for ACT 328J. They do still however want to keep whatever funding that they receive from the Federal Government, the Master settlement Agreement from the Tobacco companies and their allotted portion of the revenue that is generated from the heavy tax burden that smokers pay for the right to enjoy a legal product.

There are currently 23 states that have these types of "blanket" smoking bans, this you already know. What you might be missing is that all the following states have exemptions for places that are adult oriented, I.E, Bar's. Nightclubs, even restaurants with partially enclosed settings.

Alaska, Arkansas, Oklahoma, Indiana, Nebraska, Wyoming, Pennsylvania, Colorado, Iowa, Arizona, Connecticut, Florida, Georgia, Idaho, Maryland, South Dakota, Tennessee, Montana...

And the battlefield rages and presses on. The remaining states are being enjoined to allow exemptions for these types of businesses as we speak. The economic impacts of a failure to do so is devastating. Not only to small business, but to state revenues which are experiencing a drying up of their coffers.

These states actually get it. They know that there have been too many scientifically credible studies recently that debunk the Second Hand Smoke threat. One right here from home that many of you are unaware of because the Department of Health has chosen not to share it with you. Why? Maybe they were ashamed of their inability to prove that SHS had

any affect whatsoever on their cherry picked venues and minions who secretly carried out the deed of monitoring the unsuspecting businesses. Here is a quote from The Hawaii Air Quality Monitoring Assessment: Some Effects of Hawaii's Smoke Free Work and Public Places Law

“There was no evidence that partially enclosed restaurants/bars had any dangerous level of particulate matter either before or after the law; all had PM levels at 30 or much lower, below the EPA average daily limit”

I would like to add that the readings from this study were at 30 PM, and the daily standard for particulate matter with OSHA is 5,000 PM. In the totally enclosed venues, the highest reading rose to approx 18% of the OSHA standard, hardly what could be called dangerous, therefore in essence the current smoking law is not only unnecessary, it is unsubstantiated by scientific justification.

I Oppose this measure for the following reasons:

- 1) It creates a “unpaid and unwilling” police force.
- 2) It encourages selective prosecution and targeting of a small slice of the business community for what is supposed to be a state wide law.
- 3) It is a stop gap measure to plug holes in the current law but only for those businesses that carry liquor licenses, which is unconstitutional and mirrors the practices of what we commonly call “Racial Profiling” for lack of a better term.
- 4) It denies a business owner due process and protection under the law.

I urge you to defer this measure and I thank you for you time.

Respectfully.

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Senate Hearing SB56

Testimony by Kawika Crowley

Hawaii Smokers Alliance

Hawaii Bar Owners Assoc.

The entire smoking ban fiasco that has caused hundreds of millions in lost revenue for businesses across the nation is predicated upon one critical component, which is now being proved to be a complete fraud...that component is that "2nd Hand Smoke Kills".

Prominent doctors and physicians are now speaking out by the hundreds across the nation, as per the so called "Killer Dangers" of 2nd Hand Smoke. Why? Because the integrity and honesty of medical research is in jeopardy. Research and findings based on bogus and biased science is NOT SCIENCE and does great harm to the integrity of the medical profession and industry. The latest to speak out is John Dunn MD JD of Heartland Institute Chicago...he emphatically states, **"I can state with confidence that SHS can irritate some, but it does not kill...those claiming thousands of deaths from SHS to the public are DECEITFUL for a political goal...they are lies"**.

Lastly, lawmakers across the land are finally realizing the devastating economic impact to state coffers as a result of blanket smoking bans. A number of states, specifically Colorado and Wyoming are now, as we speak, strongly considering smoking exemptions for bars.

A few months ago, Pennsylvania granted 1,700 exemptions for bars. The Atlantic City smoking ban was dropped four months ago because a half a dozen casinos were about to go under. Smoking bans are suicidal to business and state tax coffers. Look what it has done for our East Bound tourism, the lowest in almost a half a century. By the way many smoker friendly destinations such as Macau are now laughing to the bank.

Why are we so stupidly shooting ourselves in the foot over and over again. The sad thing about today's bill is that while the rest of the nation is considering Common Sense Business Wise compromises in these perilous times, we in Hawaii, where we need it the most, are heading now in the opposite direction. None of this makes a lick of economic sense. This bill is an outrageous assault on our economy...it is a blatant assault on small business. Please defer SB56. Thank you.

"Smoking Not Permitted"

The percentage of Americans saying smoking in all public places should be made "totally illegal" has not changed appreciably over the past six years, generally falling in the 39% to 40% range.

But, there has been an increase in public support for smoking bans in specific locales. Since 1987, Gallup has recorded fairly steady increases in the percentages of Americans favoring smoking bans in restaurants, hotels, and workplaces. In 2003, Gallup began asking about bars in the same context, and has since found increased support for a ban there as well.

Current attitudes are highly similar to what Gallup found in the previous measure from 2005. However, there is now more support for bans than there was two years prior to that. Since 2003, the percentage of Americans favoring smoking bans in each location has grown by six to nine percentage points.

Percentage Favoring Complete Ban on Smoking in Each Location

