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# SENATE CONCURRENT RESOLUTION

ENCOURAGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION  
REGULATING THE SALE AND MARKETING OF TOBACCO PRODUCTS.

1           WHEREAS, tobacco companies have launched an array of  
2 smoking products and marketing initiatives in an attempt to hold  
3 market share in the face of declining tobacco sales; and  
4

5           WHEREAS, at least one new product, "purse packs" of ultra  
6 slim or super slim cigarettes that are packaged in pink and teal  
7 colored boxes approximately the size of a lipstick tube, are  
8 clearly designed to appeal to teenage girls; and  
9

10           WHEREAS, according to The American Cancer Society, Cancer  
11 Action Network, American Heart Association, American Lung  
12 Association, American Medical Association, the Campaign for  
13 Tobacco-Free Kids, and two-dozen other health and women's  
14 groups, the marketing of "purse packs" demonstrate that tobacco  
15 manufacturers show contempt for women and their health by  
16 putting a pink gloss on a product that causes lung cancer and  
17 heart disease which are two of the leading killers of women in  
18 this country; and  
19

20           WHEREAS, the Federal Cigarette Labeling and Advertising Act  
21 (FCLA), 15 United States Code section 1334, provides that "no  
22 requirement or prohibition based on smoking and health shall be  
23 imposed under State law with respect to the advertising and  
24 promotion of any cigarettes the packages of which are labeled in  
25 conformity with the provisions of this Act," thereby preempting  
26 state regulation; and  
27

28           WHEREAS, currently pending federal regulation, including  
29 the Family Smoking Prevention and Tobacco Control Act,  
30 H.R. 1256, would allow the federal Food and Drug Administration  
31 to regulate the marketing, branding, and sale of cigarettes and

1 other tobacco products, which would likely preempt any attempts  
2 by the Legislature to regulate the same; and  
3

4 WHEREAS, the State of Hawaii has an interest in encouraging  
5 restrictions on the marketing, branding, and sale of cigarettes  
6 and other tobacco products in order to promote the health,  
7 safety, and welfare of Hawaii's residents; now, therefore,  
8

9 BE IT RESOLVED by the Senate of the Twenty-fifth  
10 Legislature of the State of Hawaii, Regular Session of 2009, the  
11 House of Representatives concurring, that the United States  
12 Congress is respectfully requested and encouraged to pass the  
13 Family Smoking Prevention and Tobacco Control Act or other  
14 similar legislation to restrict the marketing, promotion, and  
15 sale of tobacco products in the United States; and  
16

17 BE IT FURTHER RESOLVED that the Congress is respectfully  
18 requested to include a prohibition on the sale of "purse packs,"  
19 ultra slim, or super slim cigarettes as a means of addressing  
20 the marketing of cigarettes towards teenage girls; and  
21

22 BE IT FURTHER RESOLVED that certified copies of this  
23 Concurrent Resolution be transmitted to the Speaker of the  
24 United States House of Representatives, Majority Leader of the  
25 United States Senate, and the members of Hawaii's congressional  
26 delegation.



March 30, 2009

Committee on Commerce and Consumer Protection  
Senator Rosalyn Baker, Chair  
Senator David Ige, Vice Chair

**Hearing:**

9:00 A.M., Wednesday, April 01, 2009  
Hawaii State Capitol, Room 229

**RE: SCR69, SD1 -- Encouraging the U.S. Congress to Enact Legislation  
Regulating the Sale and Marketing of Tobacco Products**

**Testimony in Strong Support**

Chairs Baker, Vice Chair Ige, and members of the Committee on Commerce and Consumer Protection. 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 SCR69, SD.

The American Cancer Society Hawaii Pacific Inc., was formed in 1959, 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 mission includes advocating for effective tobacco control measures to reduce and prevent smoking by children and young adults.**

Tobacco use continues to be the number one cause of preventable death in America. It kills more than 400,000 Americans and costs the nation \$96 billion in health care bills each year. Every day, another 1,200 lives are lost and more than 1,000 kids become new regular smokers.

Despite being the deadliest product sold in America, tobacco products are among the least regulated products sold in America. They are exempt from basic health regulations that apply to other consumer products, such as food, drugs and even lipstick. Because of this, tobacco companies continue to market their deadly and addictive products to children, deceive consumers about the harm their products cause and resist changes that could make their products less harmful.

As this committee is aware, this year, the U.S. Congress has a truly historic opportunity to protect our children from tobacco addiction and save lives. It can do so by passing legislation that grants the U.S. Food and Drug Administration (FDA) authority to regulate the manufacturing, marketing and sale of tobacco products. Earlier this year the House of Representatives introduced H.R. 1256, to address this important public health concern. If passed H.R. 1256 would:

- Crack down on tobacco marketing and sales to kids.
- Require larger, more effective health warnings on tobacco products.

- Require tobacco companies to disclose the contents of tobacco products, as well as changes in products and research about their health effects.
- Ban terms such as “light” and “low-tar” that mislead consumers into believing that certain cigarettes are safer.
- Strictly regulate all health-related claims about tobacco products to ensure they are scientifically proven and do not discourage current tobacco users from quitting or encourage new users to start.
- Empower the FDA authority to require changes in tobacco products, such as the removal or reduction of harmful ingredients.

Let’s show Hawaii’s endorsement for this legislation by sending a message to our Representatives in Congress that we support regulation of the tobacco industry, and that Hawaii is no longer willing to pay the price of harm that tobacco causes our state.

Mahalo for the opportunity to provide testify in strong support of this concurrent resolution.

Very truly yours,



George S. Massengale, JD  
Director of Government Relations

## Testimony in support of SCR 69, Proposed SD 1, “Encouraging the United States Congress to enact legislation regulating the sale and marketing of tobacco products”

The American Heart Association supports SCR 69, Proposed SD1, “Encouraging the United States Congress to enact legislation regulating the sale and marketing of tobacco products.”

- Tobacco use is the leading preventable cause of death in the United States, killing more than 400,000 Americans every year. Yet tobacco products are among the most unregulated consumer products on the market today and are exempt from important consumer protections such as ingredient disclosure, product testing and restrictions on marketing to children.
- The U.S. Supreme Court in March 2000 ruled that the U.S. Food and Drug Administration (FDA) does not have authority under current law to regulate tobacco products and that it is up to Congress to grant FDA this authority.
- The public health community, including the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association and the Campaign for Tobacco-Free Kids, are united in support of S. 625 and H.R. 1108 Kennedy/Cornyn/Waxman/Davis legislation to grant the FDA strong, effective authority over tobacco products. Among other things, this legislation would allow the FDA to restrict tobacco marketing and sales to youth, require the elimination or reduction of harmful chemicals in tobacco products and cigarette smoke, and regulate dangerous and misleading health claims.

### **IT’S TIME TO END SPECIAL PROTECTION FOR THE TOBACCO INDUSTRY**

- Tobacco use kills more Americans every year than AIDS, alcohol, car accidents, murders, suicides and fires combined. Nearly 90 percent of lung cancer cases, nearly one in three cancer deaths and nearly one in five deaths from heart disease are caused by tobacco. Tobacco use results in more than \$96 billion in health care costs every year.
- Every day, approximately 4,000 kids will try a cigarette for the first time, and another 1,000 will become new, regular daily smokers. One-third of these kids will eventually die prematurely as a result. In fact, nearly 90 percent of ALL smokers begin as teens.
- Despite claiming to have changed since the 1998 state tobacco settlement, the tobacco companies continue to market their products aggressively and in ways effective at reaching kids. Cigarette marketing and promotional expenditures have increased dramatically since the tobacco settlement, reaching a record \$15.1 billion per year – \$41 million a day. Much of this increase was focused on venues effective at reaching kids, including convenience stores where kids hang out and

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**“Building healthier lives,  
free of cardiovascular  
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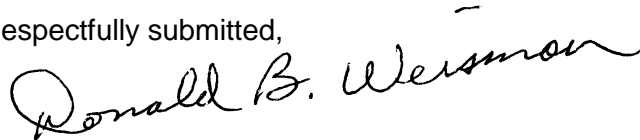
magazines that they read. One of the tobacco industry's most outrageous new tactics is the introduction of candy-flavored cigarettes and smokeless tobacco.

- The tobacco companies continue to deceive the public about the harm caused by tobacco products, introducing new products that claim to pose “reduced risk”. No government agency currently has the authority to verify and regulate these claims. The tobacco industry has deceived the public before about the supposed health benefits of “light” and “low-tar” cigarettes that proved no safer. History will repeat itself unless the FDA is granted the authority to regulate tobacco products and protect the public health.

The American Heart Association, on behalf of its more than 22 million volunteers and supporters, is pleased to endorse the provisions of the Family Smoking Prevention and Tobacco Control Act. If enacted into law, this legislation will finally ensure that the tobacco industry is properly regulated, that Americans are better informed about the dangers of smoking, and that our children are appropriately protected from this vigorously marketed product.

The AHA welcomes the support of Hawaii’s state legislators in encouraging federal legislators to pass this monumental legislation. Please support SCR 69, SD 1.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a horizontal line above the name.

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



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Founded in 1904, the  
American Lung Association  
includes affiliated associations  
throughout the U.S.

**TO: SENATE COMMITTEE ON CONSUMER PROTECTION**

**FOR: HEARING SCHEDULED FOR 9:00 AM  
WEDNESDAY, APRIL 1, 2009**

**RE: TESTIMONY IN SUPPORT OF SCR 69, SD 1:  
ENCOURAGING THE UNITED STATES CONGRESS TO  
ENACT LEGISLATION REGULATING THE SALE AND  
MARKETING OF TOBACCO PRODUCTS**

Chair Baker, Vice Chair Ige and Committee Members:

The American Lung Association in Hawaii (ALA in Hawaii) supports SCR 69, SD 1 that encourages the United States Congress to enact encourages the United States Congress to pass the Family Smoking Prevention and Tobacco Control Act or similar legislation regarding the marketing, promotion, and sale of tobacco.

This legislation would place the regulation of tobacco products under the Federal Drug Administration (FDA). FDA regulation of these products means:

- Protecting children by imposing limits on industry marketing and promotions; and restricting sales to children.
- Protecting public health by reducing risks where technologically feasible and overseeing reduced risk health claims for new products.
- Providing more information for consumers by requiring more meaningful warning labels; and
- Making decisions based on sound science by requiring tobacco manufacturers to prove claims they make about health risks or alleged benefits.

We urge you to pass SR 69, SD 1.

Respectfully submitted,

Jean Evans, MPH, Executive Director, ALA in Hawaii



To: Senator Rosalyn H. Baker, Chair, Commerce and Consumer Protection Committee  
Senator David Y. Ige, Vice Chair, Commerce and Consumer Protection Committee  
Members, Senate Committee on Commerce and Consumer Protection

From: Trisha Y. Nakamura, Policy and Advocacy Director

Date: March 31, 2009

Hrg: Senate CPN Committee; April 1, 2009 at 9:00 a.m.

Re: **Support for SCR 69 Proposed SD 1: Encouraging the United States Congress to Enact Legislation Regulating the Sale and Marketing of Tobacco Products**

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Thank you for the opportunity to comment in support of SCR 69 which encourages the United States Congress to pass the Family Smoking Prevention and Tobacco Control Act or similar legislation regarding the marketing, promotion, and sale of tobacco.

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. The Coalition provides leadership for the tobacco control community, develops networks, helps coordinate tobacco control programs and builds community awareness.

Tobacco use is still the number one cause of preventable death and disability in Hawaii and the nation; it causes cancer, asthma and heart disease. In Hawaii, 1,100 die from tobacco related causes. Despite significant reductions in our adult and youth smoking rates, an estimated 1,600 youth will start using tobacco each year. Candy-flavored cigarillos in colorful packaging and often placed near check-out points appeal to youth—not an average adult smoker. Youth and young women, among others, continue to be the targets of the tobacco industry. Products like Camel No. 9's and Virginia Slims Purse Packs feature packaging designed to appeal to young women. An alarming recent trend in Hawai'i shows that the smoking rates of high school females now surpass their male peers; historically, girls and young women have smoked at rates lower than boys and young men.

Despite the serious impacts of tobacco, tobacco products are virtually unregulated to protect public health. Without this regulation, tobacco industries can market their deadly and addictive products to children, deceive consumers about the harm their products cause, alter their products without disclosing changes (like manipulating nicotine levels in cigarettes), and resist any meaningful change to make their products less harmful.

Legislation like HR 1256 would grant the Food and Drug Administration the authority and resources to regulate the manufacture, marketing, and sale of tobacco products and provide stronger protections for consumers of tobacco and the youth to whom the tobacco industry targets as consumers.

The Coalition urges the Senate Committee on Consumer Protections to pass this resolution out of Committee. Thank you for the opportunity to testify on this matter.