

SB 2071



COALITION FOR A
TOBACCO-FREE HAWAII

To: Senator David Y. Ige, Chair, Committee on Health
Senator Josh Green, MD, Vice Chair, Committee on Health
Members, Senate Committee on Health
From: Trisha Y. Nakamura, Policy and Advocacy Director
Date: January 29, 2010
Hrg: Senate Committee on Health; Friday, January 29, 2010 at 2:45 p.m., Rm 016
Re: **Support for SB 2071, Relating to Smoking**

Thank you for the opportunity to testify in support of the intent of SB 2071 which prohibits smoking at bus stops, beaches, and parks. We urge you to pass this measure out of committee.

The Coalition for a Tobacco Free Hawai'i (Coalition) is the only independent organization in Hawai'i whose sole mission is to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit organization of over 100 member organizations and 2,000 advocates that works to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts.

The Legislature enacted the Smoke-Free Workplaces Law in 2006—a law that is overwhelmingly favored by Hawai'i residents. The Tobacco-Free Big Island, one of our strong local coalition partners, led the movement on the Big Island to create Smoke-Free Parks and Beaches which led to the passage of Hawai'i County Ordinance 08-56 in 2008. These smart policies have helped to change social norms. Our young people are growing up in a Hawai'i that promotes health by ensuring children and families are protected from second-hand smoke.

The bill at hand is an opportunity to create smoke-free areas at bus stops, beaches, and State and county parks so our children and families can use and enjoy public transportation and recreational areas free of dangerous second-hand smoke. This bills will allow many individuals who suffer from lung disease or other respiratory issues the ability, perhaps for the first time in a long time, to go to the beach or park or take the bus without fear or worry about asthma or an emphysema attack because of someone smoking nearby.

Social research indicates that children perceive what is acceptable and what they ought to do from what they understand is a normative behavior in a community. Including bus stops, beaches, and parks in the Smoke-Free Law will lead to a norm expectation of smoke-free areas by children and others who use these facilities. We look forward to passage of this bill.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 27, 2010 1:49 PM
To: HTHTestimony
Cc: jillf2184@yahoo.com
Subject: Testimony for SB2071 on 1/29/2010 2:45:00 PM

Testimony for HTH 1/29/2010 2:45:00 PM SB2071

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Jill Friedman
Organization: Individual
Address: P.O. Box 1248 Kekaha, HI 96752
Phone: 808-635-5919
E-mail: jillf2184@yahoo.com
Submitted on: 1/27/2010

Comments:

I support SB2071, Relating to Smoking.

Secondhand smoke causes serious health problems outdoors as well as indoors. Tobacco smoke is a leading trigger for asthma, and even brief exposures cause sore throats, ear infections, bronchitis, headaches and nausea for many people.

I, personally, have had many problems with secondhand smoke at bus stops as well as beaches and parks, and I know many other people who do too. There are parks I cannot go to because of cigarette smoke and at bus stops I have had to stand far away from the bus stop when someone is smoking, then hurry over when the bus arrives.

Many of the people I see smoking at bus stops and parks are underage and should not even have the cigarettes, but are getting them somehow. By making it more difficult for young people to smoke in these areas, we can prevent these young people from becoming addicted.

While I support the entire bill, I think that bus stops are the most important place to prohibit smoking, because people have to be at the bus stop, and they have to be close to the others. We do not have the option of leaving the bus stop when someone is smoking there. Smoking should be prohibited in any place where people have to gather in a small area, including, but not limited to bus stops.

THE TWENTY-FIFTH LEGISLATURE

REGULAR SESSION OF 2010

COMMITTEE ON HEALTH

Senator David Y. Ige, Chair

Senator Josh Green, M.D., Vice Chair

NOTICE OF HEARING

DATE: Friday, January 29, 2010

TIME: 2:45 pm

PLACE: Conference Room 016

State Capitol

415 South Beretania Street

Senate Bill 2071 (SB2071)

Position; STONGLY OPPOSED

ABOUT SB2071, IT'S NOT OK! I find this bill to be little more than another sad piece of bigotry and fear mongering straight from the confused and irresponsible minds of the anti-smoking lobby. They are not representative of your constituents but to the contrary are little more than **professional astroturf groups raking government funds** off the settlement agreement for the advancement of their own greed. I oppose this component for the "**2010 TOURISM ABATEMENT PACKAGE**" on the following grounds.

1. **Littering Issue:** It is unjust to harass and demean a full fifth of the population basic on the unfounded assertions of a payed few. If littering is the issue then littering fines and enforcement should be increased for all littering. It is very interesting that the same individuals pushing for this bill could apparently care less about six pack rings, glass bottles, styrofoam containers, and so on since these are the things the anti-smokers bring to the beach and which some of them undoubtably litter.

2. **Tourism Abatement:** The Governor already has tried to calm down the Japanese tourism market down after the kick in the teeth it received from the 2006 "Smoke Free Law", to little avail. Pleading with them that they could still smoke in places such as public beaches. Hawaii Tourism LLC even had come out with free pocket ashtrays to encourage them to still come to

hawaii. This measure is only going to exasperate an already depressed tourism market and economy.

3. Enforcement Problems: The Big Island beach smoking ban is already viewed as a joke. It did not "get butts of the beach" instead it breed further contempt for our laws and ordinances, it is unenforceable, and should attempts be made to enforce it would require the hiring of additional personal which we can't afford right now. If we didn't enforce what message would that send to children, that the law of Hawaii are viewed with contempt by many adults? In addition any visitor cited would have to come back to Hawaii on their own money at a later date for their court appearance, or have a warrant issued for their arrest per 328J.

4. Cost: To even come close to ensuring every visitor and resident is informed of the law by signage would require great cost. There are 775 miles of beach on the inhabited islands of Hawaii. If a sign was placed every 100 feet at \$50 per sign post, the cost would be over \$2 million! And that's not even counting all of our parks and bus stops. Can we afford this right now?

This bill is little more than another sad and bigoted product of the professional anti-smoking lobbyist groups and their war against your constituents and our visitors that enjoy tobacco. It is an attempt at social engineering plain and simple. Please vote no to this unjust, economically harmful, and bigoted abomination of legislation.

Michael Zehner

750 Amana Street, # 608, Honolulu, HI 96814

mz9995@hotmail.com

From: jacobaknolls@skins4life.com
Sent: Wednesday, January 27, 2010 8:55 PM
To: HTHTestimony
Subject: SB-2071 testimony

Testimony for SB2071
Senate Health Committee on Friday

I'm Opposed to this bill. Didn't this intolerant and mean bill die last year. It needs to be passed on to the trash can and not the House floor. It's clear that some legislators don't respect different lifestyles. The 2006 smoking ban already hurt tourism and some people want to make the situation worse. Why!

Jacob A Knolls
1925 Kalakaua Av. Honolulu

Elaine M. Heiby, Ph.D.
2542 Date St., Apt. 702
Honolulu, HI 96826
Phone: 808-942-0738
Email: heiby@hawaii.edu

1/28/10

RE: SB 2071, Smoking ban at bus stops, beaches, and parks

POSITION: **OPPOSE Bill 2071** Relating to smoking

Dear Honorable Legislators:

I have been a citizen of Hawaii for over 25 years. My education includes a Ph.D. in psychology and I have closely read articles in medical journals regarding the effect of secondhand smoke as well as articles in psychology journals regarding the effect of discrimination.

I encourage you to oppose the above bill for the following reasons:

- 1 – The bill is not justified by any scientific evidence. The bill would exclude smokers from beaches and parks based on ignorance and the bigotry it engenders. There is virtually no scientific evidence to support the exclusion of a subset of taxpaying citizens and tourists from using outdoor public recreation facilities.
- 2 – The bill would virtually intern a large number of citizens and tourists, should they even bother to visit an island where they cannot enjoy the beaches and parks. Such internment does not protect the public any more than did the internment of Americans of Japanese Ancestry during World War II.
- 3 – The mental health consequences of discrimination upon smokers and tourists should not be neglected. The proposed bill would create a smoking ban more discriminatory than the antiquated Jim Crow laws because smokers, unlike freed slaves, could not even have a “seat at the back of the bus”.

Thank you for your kind attention to this opinion.

Sincerely,

Elaine M. Heiby

From: Bob Speck [bobspeck@attglobal.net]
Sent: Thursday, January 28, 2010 5:00 PM
To: HTHTestimony
Subject: Testimony on SB 2071

HTH Committee
1/29/10
2:45 PM, Room 016
SB 2071

I am strongly opposed to SB 2071. This is outrageous discrimination against smokers. Several years ago, one of the antismoking lobbyists admitted there was no evidence to prove that second hand in an outdoor environment was a danger to anyone. Therefore, the only reason for passing this bill is an outright hatred for smokers.

Will the police department be asked to enforce this bill? They don't have enough officers now to fully safeguard the citizens of Hawaii. If this bill passes, I and many other smokers will continue to smoke in the parks and on the beaches. We will challenge the enforcement of this bill.

There are 200,000 smokers in Hawaii, and we vote. Better a free Hawaii than a smoke free Hawaii.

Bob Speck
652 Kumukahi Pl.
Honolulu, HI 96825
395-4292

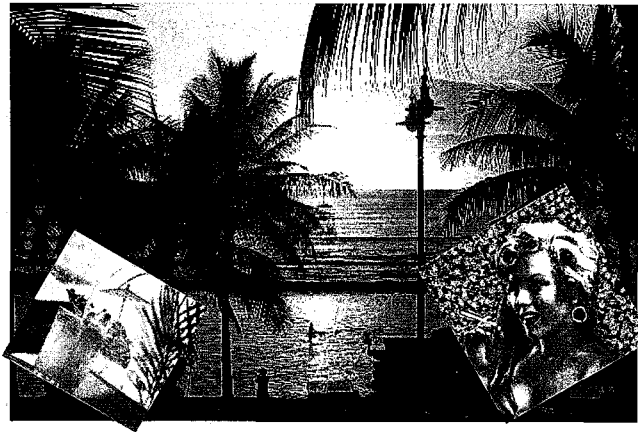
**A Helpful Travel Planning
Announcement
for
the 25% of Americans
and the
50% of Japanese men
who smoke cigarettes . . .**



**We've been expanding
the number and types of
places you cannot smoke,
So just keep your money
and go somewhere else.**

HAWAII!

A NANNY STATE RUN AMOK



Was it your dream to come to Hawaii, sit beachside at Waikiki, watch the sun slipping into the horizon, a glorious sunset (thanks to Aunty Pele's personal smoking habit...vog) with all its color and majesty meanwhile enjoying a Mai Tai in one hand and a cigarette in the other?

NO CAN DO! NOT ANYMORE!

So bring your cash, but leave your cigarettes at home... 'Cause we won't accomodate or tolerate your although still legal to do in 90% of the planet's other countries, disgusting habit.

Oh and by the way...

Aloha and welcome to the new Hawaii, the smokers hell hole and complete nightmare, from cabin to curb, to transportation, to hotel room, to open lanai's, to shopping, to nightlife, etc... you get the picture!

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2071



Smoker-phobia is all the rage it seems...
Air quality concerns in wide open spaces?
Please...

Sane people worry about VOG and car emmissions,
not wisps of cigarette smoke!

It is never enough for the anti-smoker zealots. No, that's why they are called the Coalition for a Tobacco free Hawaii. Now it's the beaches, parks, and bus stops? Hell, they don't want to even have to see a smoker!

Are you finally getting it yet?

In their support of denormalizing smokers by perpetuating the myth of the killer dangers of SHS, the Governor and Dr. Fukino have encouraged these relentless, insidious attacks on the smoking population.

There has never been a valid or credible study done in an outdoor setting concerning SHS particulates. You want clean Beaches, Parks and Bus Stop's? Install ash trays again and enforce the existing litter laws, it's that plain and simple!

This insanity must be stopped.

I rather live in, and see, a FREE HAWAII than a *smoke free Hawaii*... A place where all are welcome and treated with equal respect and dignity.

Throw out SB2071

Hawaii Smokers Alliance Jolyn Tenn 721-8384