

SB2604

LINDA LINGLE
GOVERNOR OF HAWAII



CHYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

SENATE COMMITTEE ON HEALTH

**SB2604, RELATING TO
THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND**

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

**February 5, 2010
2:55 PM**

1 **Department's Position:** The Department respectfully opposes this measure.
2 **Fiscal Implications:** None.
3 **Purpose and Justification:** The Department is concerned that this measure may impede productive
4 communications and relationship with the Tobacco Prevention and Control Advisory Board.
5 Currently, the Tobacco Prevention and Control (TPC) Advisory Board is meeting monthly, and is
6 working collaboratively with the Department of Health in guiding the priorities of the TPC trust fund
7 supported interventions and evaluation in Hawaii. The Department provides coordination and clerical
8 staff support to the advisory board. The Hawaii Community Foundation is available to and has provided
9 several presentations to the TPC Advisory Board on community-based grant making, investments, and
10 spending projections. Also, the advisory group that would be deleted by this amendment to §328L-4
11 HRS, does not have the same function as the TPC Advisory Board. Its members are convened by the
12 Director of Health to provide recommendations on the implementation of the Department's portion of
13 the TSSF for health promotion and disease prevention programs.

14 Thank you for the opportunity to provide testimony.

Senate Health Committee
SB2604 RELATING TO THE HAWAII
TOBACCO SETTLEMENT SPECIAL FUND
February 5, 2010
2:55 PM

Testimony of Elizabeth K. Tam, M.D.
Chair, Tobacco Prevention and Control Advisory Board


Honorable Chair and Members of the Senate Health Committee:

As the current Chair of the Tobacco Prevention and Control Advisory Board, I question the intent of SB2604. The current Board is working effectively with the Department of Health and community organizations to sustain a successful, comprehensive approach to tobacco prevention, education, and control. Our new members have very quickly learned the massive impact of tobacco in this state and commit their considerable talents and experience to the cause. The Board is united in its deep appreciation of the strategy, collaboration, and resourcefulness required to combat tobacco industry influence, especially during an unprecedented economic downturn.

The current Board is tasked with developing within a few months a 5-year strategic plan for tobacco prevention and control in Hawai'i. We must undertake this task with singular commitment. To add to our plate all the other issues that the Department of Health so valiantly addresses will distract us from the cause that we committed to. Furthermore, in addition to volunteer membership on this Board, many of us also hold leadership roles in the community, education, or health care. The responsibilities and time demands that SB2604 unexpectedly puts upon us at this critical time, may compromise the ability for some of us to continue to serve on the Board.

Thank you for providing the opportunity to testify against SB2604. Please allow our Board to fulfill the intent of the law and to strengthen and align resources to combat the leading cause of premature death and disability in Hawai'i.

Sincerely,

 Elizabeth K. Tam
2010.02.04
23:24:07 -10'00'

Elizabeth K. Tam, M.D.
Chair, Tobacco Prevention and Control Advisory Board



The Official Sponsor of Birthdays

February 3, 2010

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

Hearing:

2:55 P.M. Friday, February 5, 2010
Hawaii State Capitol, Room 016

RE: SB2604 – Relating to the Hawaii Tobacco Settlement Special Fund

Testimony in Support

Chair Ige, Vice Chair Green, and members of the Committee on Health. Thank you for the opportunity to testify in strong support of SB2604 which deletes the requirement that the director of health convene an advisory group to plan the development and implementation of prevention programs and make recommendations on expenditures. It also transfers the responsibilities of the advisory group to the tobacco prevention and control advisory board. Finally it amends the composition of the tobacco prevention and control advisory board.

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 mission includes advocating for effective tobacco control measures to reduce and prevent smoking by children, young adults and high risk disparate groups.

In 1999, Chapter 328L was enacted to administer Tobacco Master Settlement Agreement (MSA) monies that would begin coming to the State of Hawaii. Section 328L-5 established the Tobacco Prevention and Control Trust Fund (TPCTF) and along with it, the Tobacco Prevention Control Advisory Board (Board) in section 328L-6. In addition to advising the director of health on the use of the trust fund, the Board was mandated to develop and update Hawaii's Five Year Tobacco Strategic Plan for lowering smoking rate. This plan was released in 2006.

From its inception, the Board enjoyed a collaborative relationship with the department. This changed in late 2005, when the relationship became strained and an animus relationship developed between the two. During this period, certain tobacco control programs and funding priorities were not addressed. *Disparate groups identified in the strategic plan, which include Native Hawaiians, Micronesians, Filipinos, and the mentally ill received little or no benefit from tobacco settlement trust fund dollars allocated by the Hawaii Community Foundation. All of these groups have the highest rates of smoking related cancers.*

A major issue between the Board and the Department of Health revolved around the word “advisory.” The department took the position that any recommendation made by the Board can either be considered or ignored. Since 2006, the department has elected to totally ignore the Board’s concerns and recommendations on tobacco control priorities and funding, while exercising its own prerogatives. This has stalled tobacco prevention and control efforts, resulting in Hawaii losing its position of having the 4th lowest smoking rate in the nation to the 5th lowest.

With the appointment a new Board in the fall of 2009, the relationship improved. However because of the previous animus, Hawaii has lost much ground in advancing tobacco control efforts within the disparate populations whose smoking rates range between 28% and 50%+.

We certainly see benefit of the proposed language in 328L-5(g), requiring the “entity” (presently the Hawaii Community Foundation) to report annually to the legislature all income and expenditures, and program outcome by grantees.

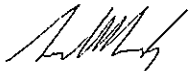
We fully support the new language regarding appointments to the Board by the Governor in section 328L-6(b), as well as new language clarifying the duties of the Board in section 328L-6(d). In particular, giving the Board oversight to: “(4) Establishing criteria for expenditures.. and, (5) Approving or disapproving and determining the amount of expenditures for activities..” This should increase transparency between the Department of Health, the Board, the Hawaii Community Foundation, and address concerns grantees have expressed regarding funding decisions.

We would also like to propose additional language to SB2604.

Page 9, line 6: “Section 328L-6(e) “The tobacco prevention and control advisory board shall advise the department on the administration of the Hawaii tobacco prevention and control trust fund.”” **Add language “This advice shall be considered prescriptive.”**

We thank the Legislature for its intervention and boldly taking steps to clarify the relationship between the Board and the Department of Health. We believe that SB2604 will accomplish this.

Respectfully,



George Massengale, J.D.
Director of Government Relations



COALITION FOR A
TOBACCO-FREE HAWAI'I

To: The Honorable David Y. Ige, Chair, Committee on Health
The Honorable Josh Green, M.D., Vice Chair, Committee on Health
Members, Senate Committee on Health
From: Trisha Y. Nakamura, Esq., Policy and Advocacy Director
Date: February 4, 2010
Hrg: Committee on Health; February 5, 2010 in Rm 016 at 2:55 p.m.
Re: **Comments re SB 2604: Relating to the Hawaii Tobacco Settlement Special Fund**

Thank you for the opportunity to provide comments regarding SB 2604.

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 nonprofit organization of over 3,000 organizations and members working to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts.

Here, the Coalition offers comment on Sections 2 and 3 of SB 2604, not Section 1 as that pertains to the advisory board over the Department of Health's Healthy Hawaii Initiative.

I. The Tobacco Prevention and Control Trust Fund Exists as a Public-Private Mechanism to Reduce the Burden of Tobacco in Hawaii

It may be of use to provide a brief history of the Tobacco Settlement Special Fund. Act 304, SLH 1999 (SB 1034, SD 1, HD 2, CD 1) established the Tobacco Settlement Special Fund to "serve as a medium for a public-private partnership to:(1) Reduce tobacco consumption in Hawaii; (2) Control and prevent chronic diseases where tobacco is a risk factor; (3) Promote healthy lifestyles through better nutrition and improved physical activity; and (4) Promote children's health." This Act also created the Tobacco Prevention and Control Trust Fund for the purpose of "reducing cigarette smoking and tobacco use among youth and adults through education and enforcement activities, and controlling and preventing chronic diseases where tobacco use is a risk factor." The Legislature also established the Tobacco Prevention and Control Advisory Board ("Advisory Board") to advise the Department of Health ("Department") in the administration of the Trust Fund. The intent was to have members on the Advisory Board with an expertise in tobacco control. The role of the Advisory Board is significant—private citizens are invited to the table to work with government to address tobacco use, which remains a serious health issue.

The measure before you clarifies the role of the Advisory Board and will make the Trust Fund's process more transparent further aiding the ability of the Advisory Board to better provide the Department with input.

II. SB 2604 Provides Reporting Requirements of the Nonprofit Entity to the Legislature and the Advisory Board

Section 2 of SB 2604 requires that the nonprofit entity selected by the Governor to administer the Trust Fund report to the Legislature and Trust Fund Advisory Board information that will help all parties make smart fiscal and policy decisions to advance tobacco prevention and control efforts statewide. Adding a reporting requirement will create transparency over the Trust Fund. The Tobacco Settlement is paid to Hawaii as the result of a lawsuit filed to recover costs paid by taxpayers for tobacco-related health costs. The Settlement moneys are public moneys held to reduce tobacco use and prevent youth tobacco use in our State—for the benefit of the public. Transparency and an understanding of the state of funds will aid all who have a stake in tobacco prevention and control.

III. SB 2604 Provides Specific Items for the Trust Fund Advisory Board to Include in a Strategic Plan

Section 3 of SB 2604 clarifies the role of the Trust Fund Advisory Board vis-à-vis tobacco prevention and control efforts. The strategic plan that the Advisory Board collaboratively develops with the Department will include measures on programs and activities funded by the Trust Fund, criteria for expenditures made, and determination of expenditures for activities to reduce cigarette smoking among youth and adults. Clear roles for the Advisory Board will not only aid in the Board's operations, but help those working to address tobacco use and the public best understand the Trust Fund

Thank you for the opportunity to comment on this matter.