



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

In reply, please refer to:
File:

SENATE COMMITTEE ON WAYS AND MEANS
SB2604 SD1, RELATING TO
THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND

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

February 23, 2010
10:05 AM

1 **Department's Position:** Department respectfully opposes this measure.

2 **Fiscal Implications:** Measure may transfer fiscal responsibility over the tobacco prevention and control
3 (TPC) trust fund to a volunteer advisory board.

4 **Purpose and Justification:** The Department is concerned about the practical applications of this
5 measure and has sought counsel from the Office of the Attorney General. The measure raises the
6 following primary concerns that are at current unanswered regarding the proposed changes to the role of
7 the TPC advisory board:

8 1. Does the amendment that makes the advice of the advisory board prescriptive [§328L-6(e),
9 page 9, line 8-9] give the advisory board financial responsibility for the trust fund;

10 2. Is the voluntary board legally responsible for the financial decisions;

11 3. Will the advisory board be financially responsible for the actions of the entity, acting as a
12 contractor to the State, for the management, investment and expenditure of the TPC trust
13 fund; and

1 4. Since the method of selecting and appointing members is amended in [§328L-6(b), page 6,
2 lines 13-20 and page 7 lines 1-16] and does not reflect the selection process of the present
3 advisory board will these members need to step down on July 1, 2010?

4 The Department finds that the amendments proposed do not improve the existing statute, Chapter
5 328L-5 and -6 of the Hawaii Revised Statutes. Currently, the Tobacco Prevention and Control (TPC)
6 Advisory Board is meeting monthly, and working collaboratively with the Department of Health in
7 guiding the priorities of the TPC trust fund supported interventions and evaluation in Hawaii. These
8 amendments would confuse and hinder current progress and necessary discussions on the future of
9 tobacco prevention and control efforts in Hawaii. The Department respectfully refers to the letter of
10 testimony submitted by Dr. Elizabeth Tam, Chair of the TPC advisory board to the Senate Committee on
11 Health on February 5, 2010, in opposition to SB2604.

12 Also the Department notes that the advisory group that would be deleted by amending §328L-4
13 HRS, does not have the same function as the TPC advisory board. The group is convened by the
14 Director of Health to provide recommendations on the implementation of the Department's portion of
15 the tobacco settlement special fund for health promotion and disease prevention programs and its role
16 does not overlap with the TPC advisory board.

17 Thank you for the opportunity to provide comments.