



LATE TESTIMONY

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February 9, 2011

Committee on Economic Revitalization & Business
Representative Angus L.K. McKelvey, Chair
Representative Issac Choy, Vice Chair

Hearing:

8:00 A.M., Thursday, February 10, 2011
Hawaii State Capitol, Room 312

RE: HB 98 – Relating to Tobacco

Comments

Chair McKelvey, Vice Chair Choy, and members of the Committees on Economic Revitalization & Business. Thank you for the opportunity to offer these comments on HB 98, which prohibits the possession of tobacco products by minors.

As the committee members know, the American Cancer Society in Hawaii has been a long time supporter measures that curtail underage tobacco use. It is well documented that tobacco use at an early age usually leads to a lifetime of addiction and a high risk of cancer and/or heart disease.

We have reviewed the provisions of HB 98 and do support its intent. In the past the American Cancer Society has testified on similar measures before legislative committees. As you know when the American Cancer Society offers testimony before any legislative body we review the science associated with the testimony being offered.

With respect to youth possession laws or PUP Laws (possession, use, and purchase), there is little empirical data on the effectiveness of these laws. Even arguments in favor of PUP laws and against have been controversial. **Those in favor argue that;**

- They add a cost to youth for tobacco use.
- They promote youth accountability and;
- They de-normalize tobacco use among youth.

Those against PUP laws contend that;

- They divert attention form other tobacco control efforts, including merchant responsibility.
- Enforcement cost and difficulty can be high.

In the end, all analyses have not suggested a relationship between the presence of state PUP laws and adolescent smoking behavior. We would note that PUP laws were only somewhat associated with lower smoking rates among the youngest adolescents at low or medium risk.

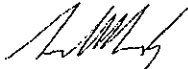
Tobacco use among Hawaii's youth continues to be problematic. The Society has concerns that youth are beginning to smoke at a younger age. In the year 2000, Hawaii's youth smoking rate was 24.5% for public high school students and in 2006 the rate was 12.6% for public high school students. In 2008 the rate was 9.7%. However there as been a slight creeping upwards in the high school smoking rate, which is now 11.3%. We attribute this increase in focus marketing by the tobacco industry, and a pulling back our tobacco prevention effort because of state budget cuts the reduction of funds that now flow into the Hawaii tobacco trust fund administered by the Hawaii Community Foundation. Despite this our tobacco prevention control efforts continue to work.

Tobacco sales to minors, declined because of public education, counter marketing, and as noted, youth directed prevention efforts. **Criminalizing youth possession of tobacco products is not the right solution, nor the most effective way to reduce youth access to tobacco. What does work is strict compliance with tobacco retail permits and enforcement of tobacco sales to youth.**

Because of the lack of solid empirical data on the effectiveness of youth possession laws we would ask that the committee defer this measure.

Mahalo, for giving me the opportunity to provide there comments here today.

Sincerely,



George S. Massengale, JD
Director of Government Relations