

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE CO-JM

February 8, 2011

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

Subject: Senate Bill No. 1168, Relating to Tobacco Products

I am Janna Mizuo, Major of the Community Affairs Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 1168, Relating to Tobacco Products. This bill would prohibit the use of tobacco products by minors by establishing penalties for them.

The health and welfare of our youth is an utmost concern for the HPD. Having conducted compliance checks on tobacco sales to minors in the community and educating our youth about the harmful effects of tobacco, we understand the value of promoting a healthy lifestyle.

We need to send a strong message to minors that purchasing, possessing, or using tobacco in any form is not condoned. There should be severe consequences.

We oppose having a tiered level of penalties. We believe that a stiffer penalty should be assessed to the minor(s) to serve as a deterrent and to prevent future similar behavior.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JANNA MIZUO, Major
Community Affairs Division

Serving and Protecting With Aloha

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 6:40 AM
To: HMS Testimony
Cc: george.massengale@cancer.org
Subject: Testimony for SB1168 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1168

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: George Massengale
Organization: American Cancer Society
Address:
Phone: 432-9149
E-mail: george.massengale@cancer.org
Submitted on: 2/7/2011

Comments:



American Heart Association® | American Stroke Association®

Learn and Live.

Serving Hawaii

Testimony **Opposing SB 1168**; “Relating To Tobacco Products”

The **American Heart Association** opposes SB 1168, “Relating To Tobacco Products.”

Until comprehensive efforts to address the marketing of tobacco products to minors are exhausted, the AHA feels it would be inappropriate to hold youth responsible for behavior encouraged by tobacco marketers’ advertising. The industry spends upward of \$12 billion nationally each year and over to \$40 million in Hawaii to recruit new tobacco users, most of them less than 18 years of age.

Evidence indicates that the industry pays retailers exorbitant product placement fees to insure that their products are located where they will become easily recognizable by youths, often next to candy or other sweet items that attract children’s attention. The industry knows that it needs to imprint its brand on minors today to insure that they will eventually become addicted adult tobacco users.

Rather than focus efforts on punishing the victims of tobacco, we need to focus on the victimizers.

By shifting the focus to youth possession of tobacco products, you would be diverting the focus from the root cause of the problem—tobacco industry marketing tactics—and onto children who succumb to the industry’s subliminal advertising messages. You would also be feeding the industry’s advertising and marketing strategy to make tobacco appear to be an adult “privilege” and portray smoking as “cool” to those youths reaching for a “forbidden fruit.” The end effect would help the tobacco industry to lure those children most vulnerable to their marketing messages and those most likely to rebel.

Other states’ that have attempted to address youth tobacco addiction by using laws similar to that proposed by SB 1168 have shown no positive effect, and may have actually hurt proven, effective methods outlined under the CDC’s “Best Practices.” The tobacco industry’s own documents show that the strategy outlined in SB 1168 was developed by the manufacturers.

Now is not the time to divert from the strategies that have been proven effective at encouraging children to avoid the trappings of tobacco addiction. Those strategies include:

- adequately funding of community tobacco prevention, education and cessation programs at at least the CDC’s recommended minimum for Hawaii, \$15.2 million annually;
- Increasing the unit price of tobacco products;
- Conducting mass media education campaigns when combined with other community interventions;
- Mobilizing the community to restrict minors’ access to tobacco products when combined with additional interventions (stronger local laws directed at retailers, active enforcement of retailer sales laws, retailer education with reinforcement)

Please remember the American Heart Association in your will or estate plan.

Serving Hawaii since 1948

For information on the AHA’s educational or research programs, contact your nearest AHA office, or visit our web site at www.americanheart.org or e-mail us at hawaii@heart.org

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Fax: 808-224-7220

Hawaii:

400 Hualani Street, Ste. 15
Hilo, HI 96720-4333
Phone: 808-961-2825
Fax: 808-961-2827

Kauai:

(Served by Oahu office)
Phone: 808-538-7021
Fax: 808-538-3443

*“Building healthier lives,
free of cardiovascular
diseases and stroke.”*

- Implementing school-based interventions in combination with mass media campaigns and additional community efforts.

Please vote no on SB 1168.

Respectfully submitted by,

Donald B. Weisman

Donald B. Weisman
Hawaii Advocacy Director

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Lung HelpLine
1-800- LUNG-USA
(586-4872)

Fighting for Air

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



February 7, 2011

To: Senator Chun Oakland, Chair
Senator Ihara, Vice Chair
Members, Senate Committee on Human Services

Re: **In opposition to SB 1168**
HMS Cmte; February 8, 2011 at 2:00 p.m., Room 016

Thank you for allowing me to submit testimony in opposition to SB 1168. My name is Debbie Odo and I'm with the American Lung Association in Hawaii and I oversee tobacco prevention and cessation programs statewide.

The American Lung Association in Hawaii oppose this bill because making tobacco use and possession unlawful has not been proven to actually deter youth tobacco use.

This bill, if passed, would shift responsibility from adults and the tobacco industry to youth who are being targeted by the tobacco industry as "replacement smokers." The tobacco industry spends more than \$42 million in Hawaii to market their products. We must make sure that tobacco retailers are continuing to not sell tobacco to minors.

We must also continue to fund programs like Teens Against Tobacco Use, REAL, and Youth Health Corp at Waianae Coast Comprehensive Health Center, that use counter-marketing tactics to educate young people about the tobacco industry. Counter-marketing and anti-tobacco media are some of the proven strategies that work to prevent youth tobacco use.

I ask that you continue to support strategies that are recommended by the Centers for Disease Control and Prevention to work, including increasing the price of tobacco products, supporting and funding anti-tobacco youth programs and youth prevention programs, and enforcing existing laws that prohibit the sale of tobacco to minors.


Thank you!

Sincerely,

Debbie Odo, Tobacco Control Manager
American Lung Association in Hawaii
Phone: (808) 537-5966 ext 216
E-mail: Dodo@ala-hawaii.org



To: The Honorable Suzanne Chun Oakland, Chair, Committee on Human Services
The Honorable Les Ihara, Jr., Vice Chair, Committee on Human Services
Members, Senate Committee on Human Services

From: Trisha Y. Nakamura, Policy and Advocacy Director 
(presented by Clifford Chang, MPH, President, Board of Directors)

Date: February 5, 2011

Hrg: Senate Committee on Human Services; Tues, February 8, 2011 at 2:00 p.m. in Rm 016

Re: **Opposition to SB 1168, Relating to Tobacco Products**

Thank you for the opportunity to testify in opposition to SB 1168, makes youth use of tobacco products unlawful and imposes penalties for violations. 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 has consistently opposed making youth use of tobacco products unlawful. Simply put, this legislation does not work to reduce youth tobacco use. The Centers for Disease Control and Prevention outline a number of proven strategies to prevent youth tobacco use. None of these strategies include criminalizing youth for using tobacco. CDC recommended efforts include: anti-tobacco policies and programs in schools; increased restriction and enforcement of restrictions on tobacco sales to minors; reduced tobacco industry influences; decreased access to tobacco products; and increased price of tobacco products.¹

We urge further consideration of other measures to decrease youth tobacco use including:

- continued strong funding for tobacco prevention programs and counter-marketing campaigns
- increasing the taxes on tobacco products, and creating parity between the taxes on other tobacco products and cigarettes
- restricting the ways tobacco is sold and advertised to young people.

We must work to hold the tobacco industry accountable. The tobacco industry spends more than \$42 million in Hawaii on marketing. The tobacco industry aggressively works to link tobacco

¹ See Centers for Disease Control and Prevention, KEY OUTCOME INDICATORS FOR EVALUATING COMPREHENSIVE TOBACCO CONTROL PROGRAMS ("Preventing Initiation of Tobacco Use Among Young People" logical model chart and explanations pp. 19-23). May 2005.



use with independence, choice, and rebellion. This measure would make tobacco use more appealing to young people. It is our role as adults to make sure that existing rules that prohibit the sale of tobacco to minors is being enforced.

We also raise serious concern regarding the proposed requirement in HRS § 709-908(7) that youth offenders “participate in a tobacco use reduction program established pursuant to section 328L-5(c).” There are only two youth cessation programs the Coalition is familiar with: Kauai’s School Based Tobacco-Control Program, and the American Lung Association on the Big Island. The capacity of community-based programs has been reduced with cuts to funding for tobacco prevention. These programs would not be able to address the need created by this bill.

Lastly, we share that Hawaii’s youth smoking rates are low at 11.3%.² There is still work to be done; however, this measure is not the proven method of ensuring that our children never use tobacco. We ask that you hold this measure in Committee.

Thank you for the opportunity to testify on this matter.

² Hawai’i State Department of Health, “Data Highlights from the 2009 Hawai’i Youth Tobacco Survey (YTS) and Comparisons with Prior Years.”

February 6, 2011

To: Senator Chun Oakland, Chair
Senator Ihara, Vice Chair
Members, Senate Committee on Human Services
Re: **In opposition to SB 1168**
Health Committee; February 8, 2011 at 2:00 p.m., Room 016

Aloha. My name is **Nicole Sutton** and I am with REAL: Hawaii Youth Movement Exposing the Tobacco Industry.

I oppose this bill because making tobacco use and possession unlawful has not been proven to actually deter youth tobacco use. If passed this law would put the blame of youth tobacco addiction on the young people themselves rather than on the tobacco industry and their aggressive marketing to youth.

Keeping tobacco out of the hands of youth requires making sure that: 1) retailers are in compliance with the current laws that restrict the sale of tobacco to minors, 2) tobacco prevention programs that educate youth about the dangers of tobacco and increase awareness about the power of tobacco advertising are adequately funded, 3) we increase public education that helps dissuade adults from becoming a social source for youth to access tobacco products.

Mahalo for allowing me to submit testimony in strong opposition to SB 1168.

Nicole Sutton

REAL: Hawaii Youth Movement Exposing the Tobacco Industry

February 7, 2011

To: Senator Chun Oakland, Chair
Senator Ihara, Vice Chair
Members, Senate Committee on Human Services
Re: **In opposition to SB 1168**
HMS Cmte; February 8, 2011 at 2:00 p.m., Room 016

Thank you for allowing me to submit testimony in opposition to SB 1168.

My name is Megan Inada and I'm the Tobacco Programs Coordinator for Kokua Kalihi Valley Comprehensive Family Services. In this position I support adults, including pregnant women and dual diagnosis patients, in their tobacco quit attempts. We also try to education the greater Kalihi Valley community on the dangers of using tobacco as well as betel nut and the benefits of quitting both. Although we lost our Youth Tobacco Prevention Grant we are trying to rebuild our youth program and have started to work with youth in the Kalihi Valley community including those attending Farrington High School.

I oppose this bill because making tobacco use and possession unlawful has not been proven to actually deter youth tobacco use. In actuality this bill, if passed, shifts responsibility from adults and the tobacco industry to youth who are being targeted by the tobacco industry. The tobacco industry spends more than \$42 million in Hawaii to market their products, and there is no sign of them stopping. It is our responsibility to give our youth the tools to say no to tobacco and all the enticing messaging from tobacco companies. Already two youth tobacco prevention programs were cut from Kalhi. They weren't just teaching youth to say no to tobacco, but using innovative ways to engage youth in protective positive activities.

We thank you for your support in the past of advocating for our youth's well being. Concerning tobacco control issues we ask that you continue to support strategies recommended by the Centers for Disease Control and Prevention to work. This includes increasing the price of tobacco products, supporting and funding youth prevention programs, and enforcing existing laws that prohibit the sale of tobacco to minors.

Thank you.



CARRIE ANN SHIROTA
ATTORNEY AT LAW
1839 Wells Street
Wailuku, Hawaii 96793
Phone: 808-269-3858

February 7, 2011

Senator Chun Oakland, Chair
Senator Ihara, Vice Chair
Senate Committee on Human Services
February 8, 2011 at 2:00pm
Room 016

Re: OPPOSE – SB 1168 Criminalizing Youth for Tobacco Possession & Use

Dear Senator Chun-Oakland, Vice Chair Ihara and Members of the Committee:

My name is Carrie Ann Shiota, and I am writing in strong opposition to SB 1168 that makes youth use and possession of tobacco products unlawful and imposes penalties for violations.

I speak from my experience as a former Enforcement Attorney with the Hawai'i Civil Rights Commission, Office of the Public Defender, Director of MEO's Being Empowered and Safe Together (BEST) Reintegration Program, and as the current Coordinator for Community Alliance on Prisons' Maui Chapter. During the past ten years, I have focused on alternatives to mass incarceration and policies that have proven effective in reducing crime, and providing men, women and youth involved in the criminal justice with the education, training and treatment necessary to turn their lives around.

This bill would create poor public policy for the following reasons:

- The enactment of laws making tobacco use and possession unlawful has not been proven to actually deter youth tobacco use.
- This bill criminalizes youth for tobacco possession and use, rather than focusing on proven strategies to prevent youth tobacco use as outlined by the Centers for Disease Control and Prevention. These proven strategies include increasing the price of tobacco products, supporting and funding anti-tobacco youth programs and youth prevention programs, and enforcing existing laws that prohibit the sale of tobacco to minors.
- The enforcement of this statute would require taxpayers to foot the bill for costs associated with prosecution for minor's tobacco possession and use. As a result, this bill would waste precious taxpayer dollars on a measure that is not supported by research to be an effective tool in reducing youth tobacco use.
- This bill shifts responsibility from adults and the tobacco industry to youth who are being targeted by the tobacco industry as "replacement smokers." Rather than punishing our youth, we must ensure that tobacco retailers, that spend more than \$42 million dollars in Hawai'i to market their products, are not selling tobacco to minors.

Thank you for the opportunity to submit testimony in opposition to this bill.

Sincerely,
Carrie Ann Shiota

ChunOakland2 - Tyrell

From: Tomoso Home [jtomoso@hawaii.rr.com]
Sent: Monday, February 07, 2011 7:14 AM
To: HMS Testimony
Subject: Testimony on SB 1168

February 7, 2011

To: Senator Chun Oakland, Chair
Senator Ihara, Vice Chair
Members, Senate Committee on Human Services
Cc: Maui County State Legislators
Fm: John A. H. Tomoso, MSW, ACSW, LSW
Re: **In opposition to SB 1168**
HMS Committee; February 8, 2011 at 2:00 p.m., Room 016

Aloha kakou!

Mahalo for allowing me to submit testimony in opposition to SB 1168. I am a Social Worker with 35 years of professional experience and currently a member of the Board of Directors of the Coalition for a Tobacco Free Hawai'i. As an advocate for public policy that strengthens families, facilitates health and health equity, and nurtures the quality of life we share, intergenerationally, I submit to you that this bill represents poor, unproven policy. We need to make sure that we continue to hold the tobacco industry and retailers accountable. Let's not shift responsibility to our youth. I oppose this bill because making tobacco use and possession unlawful has not been proven to actually deter tobacco use by our youth and younger generations.

This bill, if passed, would shift responsibility from adults and the tobacco industry to youth who are being targeted by the tobacco industry as "replacement smokers." The tobacco industry spends more than \$42 million in Hawaii to market their products. We must make sure that tobacco retailers are continuing to not sell tobacco to minors.

I believe we must continue to fund programs like REAL: Hawaii's Youth Movement Against the Tobacco Industry, that use counter-marketing tactics to educate young people about the tobacco industry. Counter-marketing and anti-tobacco media are some of the proven strategies that work to prevent youth tobacco use. I ask that you continue to support strategies that are recommended by the Centers for Disease Control and Prevention to work, including increasing the price of tobacco products, supporting and funding anti-tobacco youth programs and youth prevention programs, and enforcing existing laws that prohibit the sale of tobacco to minors.

Me ka mahalo pono.

John A. H. Tomoso, MSW, ACSW, LSW

51 Ku'ula Street