

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 1168
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 1168 entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the use of tobacco products by minors and establish penalties for a violation.

Your Committee received testimony in opposition to this measure from the Department of Health, American Heart Association/American Stroke Association, and Coalition for a Tobacco-Free Hawai'i.

Your Committee finds that this measure focuses tobacco enforcement efforts on punishing the victims of tobacco, rather than addressing the victimizers. Evidence indicates that the tobacco industry pays retailers exorbitant product placement fees to ensure that tobacco 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 assure that they will eventually become addicted adult tobacco users. Rather than shifting the focus to youth possession of tobacco products, focus should be shifted to the root cause of the problem - tobacco industry marketing tactics.

Your Committee has amended this measure by:



- (1) Deleting references to penalties for the minor;
- (2) Authorizing a law enforcement officer to confiscate any tobacco used in violation of the prohibition on the use of tobacco by minors; and
- (3) Changing the effective date to January 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1168, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1168, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

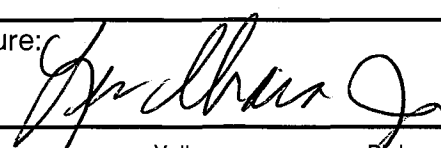
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 1148	Committee Referral: HMS, JDL	Date: 2-14-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)		✓		
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
TOTAL	2	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes