

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2425  
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 Health, to which was referred S.B. No. 2425  
entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO,"

begs leave to report as follows:

The purpose and intent of this measure is to require that for  
a place of employment where cigarettes or tobacco products are  
sold or offered for sale, with exceptions permitted for retail  
tobacco stores, bars, or establishments where the minimum age for  
admission is eighteen:

- (1) Cigarettes and tobacco products shall be stored for sale  
behind a counter;
- (2) Advertisements that promote or encourage the purchase or  
use of cigarettes or tobacco products shall be placed  
twenty-five feet away from children's products or toys  
or where cookies, candy, ice cream, gum, or snacks are  
sold; and
- (3) Advertisements that promote or encourage the purchase or  
use of cigarettes or tobacco products shall be placed at  
least four feet from the floor.

Your Committee received testimony in support of this measure  
from the Honolulu Police Department, Coalition for a Tobacco-Free  
Hawaii, Hawaii COPD Coalition, American Cancer Society, American  
Heart Association, thirty-five representatives of REAL: Hawaii



Youth Movement Exposing the Tobacco Industry (representatives also presented a petition with one thousand three hundred signatures), and sixty-two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Hawaii Food Industry Association, ABC Stores, and three individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that there is a causal relationship between tobacco advertising and promotion and increased tobacco use and that retail venues have become the primary medium for the tobacco industry's marketing efforts. Your Committee further finds that smaller stores are more likely to have tobacco advertisements at the eye level of children or near youth-oriented products and snacks and that frequent visits to stores selling and advertising tobacco increases the likelihood of teenagers being susceptible to start smoking.

Your Committee has amended this measure by:

- (1) Specifying that for establishments less than one thousand square feet, advertisements promoting tobacco must be at least ten feet away from certain items whereas for establishments equal to or greater than one thousand square feet, advertisements promoting tobacco must be at least twenty-five feet away from certain items; and
- (2) Substituting the term "place of employment" with the term "establishment" as a technical amendment to more accurately describe the stores and other sites that were intended to be covered under this measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2425, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2425, S.D. 1, and be referred to the Committee on Economic Development and Technology.



Respectfully submitted on  
behalf of the members of the  
Committee on Health,




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JOSH GREEN, M.D., Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2425	HTH, EDT	2/3/12		
<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
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)				✓
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne				✓
SHIMABUKURO, Maile	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
<b>TOTAL</b>	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                    Yellow                    Pink                    Goldenrod File with Committee Report                    Clerk's Office                    Drafting Agency                    Committee File Copy				

\*Only one measure per Record of Votes