

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE KH-JNB

February 24, 2012

The Honorable Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Clayton Hee and Members:

Subject: Senate Bill No. 1168, SD 1, Relating to Tobacco Products

I am Kent Harada, Acting Major of the Community Affairs Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 1168, SD 1. We need to send a strong message to minors that purchasing, possessing, or using tobacco in any form is not acceptable and there are consequences to these actions.

As a result, we prefer Senate Bill No. 1168 in its original form. The consequence for using or possessing tobacco products in Senate Bill No. 1168 is a status offense. It involves community service and monetary fines. Senate Bill No. 1168 does not record a criminal record, and it provides a constructive learning in the "reduction program," which helps our youth to breakaway from any tobacco addictions which may have developed.


Our youths need to understand that there are consequences for their behavior. By just confiscating cigarettes, our youths do not learn the impact of smoking. Learning is a process that involves education and enforcement. By educating our youth, they learn about the harmful effects of smoking and to make better decisions. Through enforcement, they learn the consequences. Tobacco is a serious addiction and relevant programs are needed to make a difference in our society.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


KENT HARADA, Acting Major
Community Affairs Division

Serving and Protecting With Aloha



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

In reply, please refer to:
File:

SENATE COMMITTEE ON JUDICIARY AND LABOR
SB1168, SD1, RELATING TO TOBACCO PRODUCTS

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

February 24, 2012
11:30AM, Rm. 016

1 **Department's Position:** The Department of Health supports this measure to make it unlawful for a
2 minor to use tobacco products.

3 **Fiscal Implications:** There would be no fiscal impacts to the general fund.

4 **Purpose and Justification:** This measure would amend section 709-908, HRS to make it unlawful for
5 a minor, under 18 years of age, to use tobacco products and enables a law enforcement officer to
6 confiscate the tobacco product used in violation of this section.

7 The measure proposes to establish a parallel, similar to that for alcohol, where it would be
8 unlawful for a minor to not only purchase but to use tobacco products and provides that a law
9 enforcement officer confiscate the tobacco product being unlawfully used.

10 Previous proposals created penalties that necessitated that a police officer take the youth down to
11 the station and book them, creating a criminal record that could affect a job or college application.
12 Clearly the penalty did not match the offence and the Department has opposed these bills.

13 The SD1 version of the bill would simply call for any law enforcement officer to confiscate a
14 tobacco product used in violation of this subsection. Confiscation of the tobacco product used would

1 send a clear and correct message that if consistently enforced, persons under 18 years of age should not
2 use tobacco products.

3 Smoking and tobacco use are Hawaii's and the nation's leading cause of preventable illness and
4 death resulting in over 1,100 resident deaths annually and costing over \$640 million for health care and
5 lost productivity. Hawaii's smoking and tobacco use rates are low for both middle and high school
6 students as a result of a supportive foundation of protective laws and a comprehensive tobacco control
7 effort by the Department and community partners.

8 This measure would add to the body of supportive laws and community norms to prevent youth
9 from beginning an addictive tobacco use lifestyle.

10 Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2012 2:44 PM
To: JDLTestimony
Cc: toddhairgrove@hotmail.com
Subject: Testimony for SB1168 on 2/24/2012 11:30:00 AM

Testimony for JDL 2/24/2012 11:30:00 AM SB1168

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
E-mail: toddhairgrove@hotmail.com
Submitted on: 2/23/2012

Comments:
I Strongly Support This Measure