

SB 1168

Measure Title: RELATING TO TOBACCO PRODUCTS.
Report Title: Tobacco Products; Minors; Use; Prohibition; Penalties
Description: Prohibits use of tobacco products by minors. Establishes penalties for use of tobacco products by minors.
Companion:
Package: None
Current Referral: HMS, JDL
Introducer(s): WAKAI, CHUN OAKLAND, SHIMABUKURO, Kahele, Kidani, Tokuda



American Heart Association | American Stroke Association

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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.

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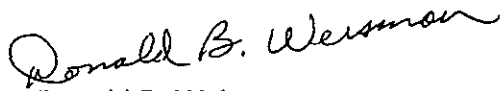
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- Implementing school-based interventions in combination with mass media campaigns and additional community efforts.

Please vote no on SB 1168.

Respectfully submitted by,

A handwritten signature in black ink that reads "Donald B. Weisman". The signature is written in a cursive style with a large initial 'D'.

Donald B. Weisman
Hawaii Government Relations/Mission:Lifeline Director



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: Deborah Zysman, MPH, Executive Director
Date: February 13, 2012
Hrg: Senate Committee on Human Services; Tues, February 14, 2012 at 1:25 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 and possession 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 and possession 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 possession or using tobacco. 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

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.



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- 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 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: 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 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 or amend this measure.

Thank you for the opportunity to testify on this matter.

Deborah Zysman, MPH
Executive Director

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