

**LATE  
TESTIMONY**

**SB3019**

**HTH, WAM  
Committee Hearing  
02/13/2012**

LATE



Senator Josh Green, Chair  
Senator Clarence Nishihara, Vice Chair  
Committee on Health  
State Capitol, Honolulu, Hawaii 96813

HEARING      Monday, February 13, 2012  
                  1:15 pm  
                  Conference Room 229

RE      **SB3019, Relating to Health**

Chair Green, Vice Chair Nishihara, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

**RMH strongly opposes SB3019**, which establishes a tax on sugar-sweetened beverages, syrup, and powder with the revenues generated to be deposited into the community health centers special fund and the trauma system special fund.

As responsible citizens, we share your concern with the growing health problems caused by individuals' indiscriminate and/or uninformed choices in beverage consumption and their reluctance to participate in physical activity required to maintain good health. However, these are social concerns that already are and should be addressed by parents first and government as a function of general public revenues.

Food taxes are particularly onerous in that they are regressive and discriminatory, placing the greatest financial burden on our residents who have the least resources. In essence, via economic sanctions, we are prohibiting certain members of our society from enjoying beverages of their choice.

SB3019 is costly. In addition to the tax itself, increased administrative expense to implement and execute this mandate, including identifying applicable beverages, updating systems, maintaining accurate records, and preparing and submitting returns and payments to the Department of Taxation. These additional administrative costs will be passed on and shared by all consumers, in addition to the tax itself on purchasers of sugar-sweetened beverages.

We respectfully request that you hold SB2477. Thank you for your consideration and for the opportunity to comment on this measure.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII  
1240 Ala Moana Boulevard, Suite 215  
Honolulu, HI 96814  
ph: 808-592-4200 / fax: 808-592-4202

**Green4 - Mailene**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 12:28 PM  
**To:** HTHTestimony  
**Cc:** lkatic@kconsultingonline.com  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Katic  
Organization: American Beverage Association  
E-mail: [lkatic@kconsultingonline.com](mailto:lkatic@kconsultingonline.com)  
Submitted on: 2/12/2012

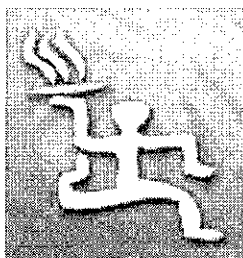
Comments:

# LATE

## Hawaii Restaurant Association

1451 South King St., Suite 503  
Honolulu, HI 96814  
www.RestaurantHI.com

Phone: 808.944.9105  
Fax (Toll Free): 877.494.3245  
hra@RestaurantHI.com



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Cuyler Shaw  
Ashford & Wiston

**Executive Director** Roger Morey

February 12, 2012

**Senate Bill 3019  
Relating to Health  
Taxation; Sugar-sweetened Beverages**

Hearing on February 13, 2012 at 1:15PM in room 229

Testimony provided by the Hawaii Restaurant Association in opposition

A proposed tax that singles out soft drinks and other beverages for additional taxations is inequitable. Aiming at soda and juice and teas and other beverages for an additional tax will be injurious to the people of Hawaii and will, in fact, negatively impact the finances of those who can least afford it, those with lower incomes. This is unfair.

Consider the following:

- Calories from sugar-sweetened beverages (including soft drinks, juice drinks, flavored waters and other beverages) make up only 5.5 percent of the calories in the American diet according to a National Cancer Institute analysis of government data submitted to the U.S. Dietary Guidelines Advisory Committee. That means more than 94 percent of our calories come from other sources.
- Sales of regular soft drinks declined by more than 12% from 1999 to 2010. Yet, obesity rates continued to rise at the same time.
- A review by George Mason University researchers showed that a 20 percent tax on soda would reduce an obese person's Body Mass Index from 40 to 39.98 - an amount not even measurable on a bathroom scale.
- West Virginia and Arkansas have an excise tax on soft drinks, yet both states rank among the 10 states with the highest obesity rates in the country, according to the Centers for Disease Control and Prevention.

Finally, if a serious effort is to be made to fight obesity it must start where all good education starts, in the family. All of us learn from our parents and that is where we should learn about healthy living.

Respectfully submitted,

Roger Morey  
Executive Director

## Green4 - Mailene

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 4:23 PM  
**To:** HTHTestimony  
**Cc:** Craig@hpcfoods.com  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Craig Tottori  
Organization: HPC Foods, Ltd.  
E-mail: [Craig@hpcfoods.com](mailto:Craig@hpcfoods.com)  
Submitted on: 2/12/2012

### Comments:

I am President of HPC Foods, Ltd. I agree that obesity is a serious issue in Hawaii. however i am opposed to this bill because it is unfair to single out one product as the leading cause of obesity.

I am also opposed to government influencing public choices through taxation. It is hard enough for business to survive in Hawaii. To pass a bill like SB3019 will open the door to other bills that is unfair and not well thought out which will hurt Hawaii's business climate.



# Maui Soda & Ice Works, <sup>LATE</sup> Ltd.

918 A Lower Main Street \* P.O. Box 1170 \* Wailuku, Maui, Hawaii 96793

February 13, 2012

Senate Committee on Health  
Chair Sen. Josh Green, MD  
Vice Chair Sen. Clarence K. Nishihara

Members

RE: TESTIMONY OPPOSING SENATE BILL 3019  
RELATING TO HEALTH

Senators,

I own and manage the last independent Company in the State that sells soft drinks.

I tried very hard to understand the proposed legislation you are considering today.  
I just don't understand what you are trying to do.

Are you saying that soft dink consumption is the cause of the entire State's obesity?

That's like telling our visitor's not to spend their vacation here because it's far too dangerous.

It's like locking up all the children in their rooms and not letting them leave until they are over 30 years old. At that point, they probably won't have a job anyway, because you've taxed all the business here to shut down.

Why must we continue to try and legislate everything out of our supposed free enterprise system?

Why not banning peanuts out of the State because there are some people that have an immune deficiency....Heck, ban macadamia nuts too while we're at it...or is there a bill in the works for this too?

Respectfully,

Michael A. Nobriga  
President & General Manager



[www.Roselani.com](http://www.Roselani.com)

THE SENATE  
Committee on Health  
Senator Josh Green, M.D., Chair  
Senator Clarence K. Nishihara, Vice Chair  
Hawaii State Capitol, Room 229  
Monday, February 13, 2012; 1:15 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 3019  
RELATING TO HEALTH**

The ILWU Local 142 opposes S.B. 3019, which establishes a tax on sugar-sweetened beverages, syrup, and powder with the revenues generated to be deposited into the community health centers special fund and the trauma system special fund.

This measure expresses a concern for the health of our citizens by imposing a hefty tax that is meant to dissuade consumers from buying and consuming sugar-sweetened beverages. The concern is for childhood (and other) obesity that threatens the health of our nation's population.

We do not disagree that obesity is a problem in this country and this state. However, we do not believe that imposing a tax to serve as a disincentive or penalty is the answer. Cigarettes have been highly taxed, yet there are still many, many individuals who continue to pay a high price for their cigarettes, despite a proven link between cigarettes and cancer and other diseases. There may be some, even many, people who refrain from smoking because of the cost, but education has been perhaps a larger factor in getting people to realize the health dangers of smoking cigarettes. This education has been funded not by taxes but by proceeds from lawsuits.

S.B. 3019 offers no proposal to educate the public about the consequences of consuming sugar-sweetened beverages and appears to be a measure to generate revenue to support community health centers and the trauma system, instead of the General Fund.

That said, we are also concerned about the negative impact of this bill on local jobs in the beverage manufacturing and sales industry. Some of them are ILWU members who work for Pepsi in Honolulu and Ball Corporation, which produces the aluminum cans used for soda and juice.

If the bill's intent is to impact obesity, why not tax cake and pastries or fast-food burgers and fries? There are many other equally unhealthy food choices that consumers make every day that could be subject to a large tax.

The point, though, is that individuals make decisions about what to eat and drink for themselves and their family based on a number of considerations. Cost may be one, but is not the only consideration. Changing behavior cannot effectively be accomplished by taxation. It's a decision to be made by individuals, parents, and the family, but it's a decision that must be facilitated by education.

The ILWU urges this Committee to hold this bill. Thank you for the opportunity to testify on this measure.

**LATE**



**HPCA**

HAWAII PRIMARY CARE ASSOCIATION

**Senate Committee on Health**

The Hon. Josh Green, Chair

The Hon. Clarence K. Nishihara, Vice Chair

**Testimony in Support of Senate Bill 3019**

**Relating to Health**

**Submitted by Robert Hirokawa, Chief Executive Officer**

**February 13, 2012, 1:15 p.m. Room 229**

The Hawai'i Primary Care Association, which represents community health centers in Hawai'i, strongly supports Senate Bill 3019, relating to Health, which establishes a tax on sugar-sweetened beverages, syrup, and powder with the revenues generated to be deposited into the community health centers special fund and the trauma system special fund.

The Hawaii Primary Care Association's support of this measure is two-fold. First, we believe that this measure will make great strides towards improving the health of the state. According to a CDC study conducted in 2010, 22-26% of the Hawaii's population is diagnosed as obese (BMI >30). In 1994, that rate was less than 14%. Also, the study found that over 8% of Hawaii's population suffers from diabetes, a number that has doubled in the last decade alone. It is the belief of the HPCA that reducing the amount of sugary beverages consumed will directly affect these numbers, as well as ease the financial burden associated with treating them on both health providers and payers.

Second, the HPCA appreciates and supports a percentage of such funds being placed into the community health center special fund. Community health centers comprise the backbone of the Hawaiian healthcare system, offering quality primary and dental care to individuals regardless of ability to pay. As a result, health centers will be facing a \$10.3M dollar shortfall from uninsured patients alone in 2012. Along with decreases in Medicaid coverage, the expanded expectations of Health Centers through state initiatives (CMMI, SPOC, Connector Navigator program) and a declining health population, these additional funds will go a long way to ensure the continued, effective operation of health centers in Hawaii.

We urge you to pass this measure out of committee for further consideration and thank you for the opportunity to testify.





**LATE**

February 10, 2012

Chairman Josh Green M.D.  
Senate Health Committee  
Hawaii State Capitol, Room 222

RE: SB 3019 – **OPPOSE**

Dear Chairman Green:

The Grocery Manufacturers Association<sup>1</sup> (GMA) and its more than three hundred members respectfully oppose SB 3019 because it will do nothing to fight obesity and its selective taxation is arbitrary, discriminatory, regressive, and largely unpopular.

### **Obesity is a Complex Problem with No Simple Solution**

Many factors contribute to obesity and related health problems and singling out one particular product for taxation isn't going to solve the issue. Rather than discriminately taxing a food product or beverage we need to encourage a balanced diet and promote more physical activity and exercise for all citizens.

GMA and its member companies have taken and will continue to take significant steps to create a balanced approach to combating obesity. For example, since 2002, GMA member companies have introduced more than 20,000 product choices with fewer calories and reduced fat, sugar and sodium. Through the Healthy Weight Commitment Foundation, food and beverage companies have pledged to remove 1.5 trillion calories from the food supply by 2015. And by applying nutrition criteria to our advertising policies, two thirds of the products

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<sup>1</sup> Based in Washington, D.C., the Grocery Manufacturers Association is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe.

Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders.

In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.

The food, beverage and consumer packaged goods industry in the United States generates sales of \$2.1 trillion annually, employs 14 million workers and contributes \$1 trillion in added value to the economy every year.

**GROCERY MANUFACTURERS ASSOCIATION**

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 ::

[www.gmaonline.org](http://www.gmaonline.org)



advertised during children's programming now feature healthier products and/or healthy lifestyle messages.

Another example of our commitment to promoting a healthy diet, GMA and the Food Marketing Institute last month launched Nutrition Keys, a front-of-pack nutrition labeling initiative that will help consumers make informed decisions when they shop. Combined with the many innovative nutrition information programs implemented in recent years, consumers now have access to more nutrition information about their food than ever before – on products, in stores and online.

### **SB 3019 is an Arbitrary Tax**

SB 3019's arbitrary purpose is explicit in that taxpayers who consume sugary beverages will experience an increase in the price of these items to fund a health promotion special fund. While establishing a health promotion program is a laudable goal the means in which it is being funded is nonsensical. In short, the health program fund relies on the very thing it sets out to discourage. This is tantamount to a tobacco tax to fund an anti-tobacco program. Presumably, if the program is successful, it will have eventually so reduced its funding base that it can no longer sustain its programming. Would this shortfall be added to the State's general fund obligation?

Furthermore, Hawaiians already pay several taxes on beverages, including: five-cent deposit, one-cent handling fee, one-half percent gross receipts tax from the wholesaler, and a four percent gross receipts tax from the retailer. These taxes result in a higher cost to the purchasers and have little to do with the complexities of fighting obesity.

### **SB 3019 is a Regressive and Discriminatory Tax**

This tax is also unpalatable because it would disproportionately impact those Hawaiians who can least afford to pay the higher costs. Hawaii families already pay some of the highest taxes in the nation and like all people are struggling in this difficult economy. There could not be a worse time to ask them to pay more for the products they consume.

In August 2006, GMA released a study on the economic impact of selective taxation of certain foods. The findings detailed the economic impact of a selective tax on certain foods on the economy as a whole, on the food industry in particular, and on individual consumers. The following is a key report finding illustrating the discriminatory nature of such a tax as is proposed in SB 1179: Given consumption patterns, a selective tax on certain foods would be more regressive than a general sales tax. Households with incomes below \$10,000

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The Association of Food, Beverage  
and Consumer Products Companies

spent 11.9 percent of their income on these types of foods and beverages in 2004, compared to 1 percent for households with incomes greater than \$70,000.

### **SB 3019 Has Been Tried and Failed in Other States**

In the early 1990s, several jurisdictions, including California, Maine, Maryland and the District of Columbia, implemented ill advised taxes on selective food products. The source of revenue quickly became a failure. The new tax never generated the projected revenue because its complexity prevented its proper collection, its administration was complex, and a decrease in consumer demand made estimating revenue difficult.

In the 2004, 2005, and 2006 sessions, Maryland, Texas and West Virginia respectively, rejected proposals to tax certain foods and beverages because each state believed the tax would create a poor business environment and would be inefficient to administer. In Maine, the legislature passed a new beverage tax that was quickly repealed by the citizens through a ballot measure in the November 2008 general election by an almost two to one margin. Finally, just last year, Washington residents through a ballot initiative soundly rejected (60% to 40%) the legislature's attempt to impose additional discriminatory taxes candy, bottled water, and soda.

Obesity is a complex problem that requires a comprehensive solution. GMA, food manufacturers and beverage companies have been in the forefront of developing tools for the consumer and making the challenge easier. Selective taxation does nothing to contribute to the solution. As such, the Grocery Manufacturers Association must respectfully oppose SB 3019.

Sincerely,

A handwritten signature in black ink that reads "John Hewitt". The signature is written in a cursive, flowing style.

John Hewitt  
Western Region Director  
Grocery Manufacturers Association

### **GROCERY MANUFACTURERS ASSOCIATION**

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February 13, 2012

Senate Committee on Health  
Senator Joshua Green, M.D., Chair  
Senator Clarence Nishihara, Vice Chair

**Hearing:**

State Capitol Room 229  
February 13, 2012, 1:15 p.m.

**SB 3019 – Relating to Health**

Thank you for the opportunity to submit comments on SB 3019. The American Cancer Society is the nationwide, community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service. Part of our mission is to reduce the incidence of cancer through education and prevention.

The purpose of this measure is to establish a tax on sugar sweetened beverages, syrup, and powder with revenues to be deposited into the community health centers fund and the trauma system special fund. The more important purpose of this measure, however, is its attempt to curb the consumption of sugar sweetened beverages as a means to address our obesity epidemic. Obesity in Hawaii has grown over the last decade. According to the U.S. Centers for Disease Control, the number of obese adults rose from 11% in 1995 to 23% in 2010.<sup>1</sup> This is more than double. Even more troubling is that from 1999-2009, the percentage of obese high school students rose 38% from 10.5% to 14.5% of students.<sup>2</sup>

Obesity is a major risk factor in certain types of cancer. According to the American Cancer Society's 2012 Guidelines on Nutrition and Physical Activity for Cancer Prevention, obesity is clearly associated with increased risks of the following cancer types:<sup>3</sup>

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<sup>1</sup> Source: CDC Hawaii Behavioral Risk Factor Surveys.

<sup>2</sup> Source: CDC State Youth Risk Behavior Surveys.

<sup>3</sup> Source: ACS Nutrition and Physical Activity Guidelines for Cancer Prevention, 2012.

Adenocarcinoma of the Esophagus,  
Pancreas  
Colon and rectum  
Breast (after menopause)

Endometrium (lining of the uterus)  
Kidney  
Gallbladder

Obesity may also be associated with increased risk of cancer of the liver, non-Hodgkin lymphoma, multiple myeloma, cancer of the cervix, cancer of the ovary, and aggressive prostate cancer.<sup>4</sup>

How exactly is obesity linked to cancer? Here are some examples from the American Cancer Society and the National Cancer Institute:

- Fat tissue produces excess amounts of estrogen, high levels of which have been associated with the risk of breast, endometrial, and some other cancers.
- Obese people often have increased levels of insulin and insulin-like growth factor-1 (IGF-1) in their blood (a condition known as hyperinsulinemia or insulin resistance), which may promote the development of certain tumors.
- Fat cells produce hormones, called adipokines that may stimulate or inhibit cell growth. For example, leptin, which is more abundant in obese people, seems to promote cell proliferation, whereas adiponectin, which is less abundant in obese people, may have antiproliferative effects.
- Fat cells may also have direct and indirect effects on other tumor growth regulators, including mammalian target of rapamycin (mTOR) and AMP-activated protein kinase.
- Obese people often have chronic low-level, or “subacute,” inflammation, which has been associated with increased cancer risk.<sup>5</sup>

Sugar sweetened beverages, while not the only contributing factor to obesity, is the *leading* source of empty calories in the average U.S. diet.<sup>6</sup> Forty-six percent of all added sugars in the diets of the U.S. population come from sugar sweetened beverages – more than candy, dairy based desserts, cereal, table sugar, honey, and other foods combined.<sup>7</sup>

While we are very supportive of efforts to curb consumption of sugar-sweetened beverages and to reduce obesity, we recommend the following changes:

- The amount of tax levied on a sugar sweetened beverage must be high enough to curb consumption. We recommend a tax of one cent per ounce.

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<sup>4</sup> *Id.*

<sup>5</sup> Source: 2012 Nutrition and Physical Activity Guidelines for Cancer Prevention; National Cancer Institute, Cancer and Obesity <<http://www.cancer.gov/cancertopics/factsheet/Risk/obesity>>

<sup>6</sup> Source: Table 5a. Mean Intake of Added Sugars & Percentage Contribution of Various Foods Among US Population, by Age, NHANES 2005–06 <[http://riskfactor.cancer.gov/diet/foodsources/added\\_sugars/table5a.html](http://riskfactor.cancer.gov/diet/foodsources/added_sugars/table5a.html)>

<sup>7</sup> *Id.*

- The revenue deposited into the community health centers fund and the trauma system special fund should primarily be dedicated to funding health programs including those to further reduce obesity by promoting nutrition and physical activity.
- We recommend flavored milk be exempted as even though it contains added sugar, milk provides calcium and other important nutrients, and the Dietary Guidelines for Americans recommends that people increase their intake of fat-free and low-fat milk.
- We recommend exempting diluted fruit beverages with no caloric sweeteners (those made with real fruit juice and water but with no added caloric sweeteners), as these provide the nutritional benefits of juice with fewer calories. Fruit drinks with any added sugars should not be exempted.
- We defer to the Department of Taxation as to the mechanics of implementing the tax, but recommend a tax based at the point-of-sale. This mechanism would ensure that the tax applies to the consumer for purchase consideration rather than providing the taxpayer the ability to evenly distribute the cost effect of the tax.
- Evaluation of the impact of the tax on consumption, total calorie intake and other health outcomes is recommended. To conduct a proper evaluation it is important that records be kept for a minimum of two years without the exemption that the department may consent in writing to the destruction of records within that two year period.

The American Cancer Society appreciates this Committee's willingness to continue the discussion of the relationship between sugar sweetened beverages, obesity, and cancer and other chronic diseases. We are not only concerned with the overall health of adults -- but more importantly -- our children. Thank you for allowing us the opportunity to provide testimony on this measure.

Sincerely,



Cory Chun  
Government Relations Director

**LATE**



February 13, 2012

Testimony for the Senate Committee on Health  
Monday, February 13, 2012  
State Capitol, Conference Room 229 at 1:15pm

**RE: SENATE BILL 3019 RELATING TO HEALTH**

Dear Chair Green, Vice Chair Nishihara, and Members of the Committee,

On behalf of the members of the Maui Chamber of Commerce, I am writing to OPPOSE bill SB3019 Relating to Health as this bill seeks to impose an additional tax on consumers.

First, we are opposed to any new taxes at this time. Residents and businesses have had to live within their means and we are asking our government to do the same. This feels like another attempt to simply collect more revenue from the people of Hawaii, instead of making the tough calls that need to be made. We ask state law makers to pare back to what the state can afford as we have had to long ago.

Second, it is not government's role to direct what we drink through discriminatory taxes that single out certain beverages. We need our government to focus on intended core functions, not continuing to expand its role, exercising more control over our lives, at our expense.

Third, these are still very tough economic times and the people of Hawaii are trying to recover. They cannot afford higher grocery bills and taxes on sugar-sweetened beverages, syrup, and powder that they elect to drink. Transparency is important. Tell the public how much this bill will likely cost them each month if this bill passes.

Fourth, bills such as this are often presented under the guise of "Health," noting that the money raised will be directed toward a "Special Fund" for a specific health purpose as a way to garner support along the way. However, the truth is they are often changed at the end of the process to boost the state's General Fund. Let's be honest with the public on the real intent and where their money will likely go.

Lastly, this bill is not a priority. It did not pass last year and should not have been brought back again this year when there are far more important matters to address like reducing our gigantic debt, improving our educational system, and creating a "pro-business" environment. Therefore, we ask you to OPPOSE this bill and not add a frivolous tax that our residents do not want and can ill afford.

Thank you for the opportunity to submit testimony on this bill. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Tumpap'.

Pamela Tumpap  
President

February 13, 2012  
Senate Health Committee  
S.B. 3019  
Testimony of *Michael Botello*  
*Johnson Brothers of Hawaii*  
*1011 Munu Street*  
*Kapolei, HI 96707*

Mr. Chairman and members of the Senate Health committee, thank you for the chance to explain the impact a beverage tax would have on my business and my customers.

I am *Michael Botello* of Johnson Brothers of Hawaii located in Kapolei. The businesses we service are the retailers and restaurants which supply every person in Hawaii with beverages and groceries. The people of Hawaii are already saddled with some of the highest costs for basic necessities of any state. The passage of this bill would only make things more difficult for everyone in an already challenging economic environment.

Where does it end for the government in taxing what people eat and drink? Will everything that I sell to my retail chain stores and restaurants have a special tax to fund yet another special government program? What's next? Will we have taxes on birthday cakes, pies, or bags of sugar? Will restaurants need to start charging customers to use the packets of sugar for their coffee or iced tea as a result of these increased taxes?

What comes after sugar? Will there be a tax on all foods deemed to be contributing factors to obesity? Do we now begin classifying foods as 'healthy' and 'unhealthy?' Will we start to tax whole milk, eggs, bacon and other staples that have been part of the human diet for as long as recorded history?! What will it take to stop the legislature from the having the thought process that they can tax people into making choices that the legislature says is better for the people?

Everything that I sell can fit into a balanced diet, including beverages. It is unfair to single out one product for another tax. I am very concerned that a beverage tax is a slippery slope for more and more intrusion by the government into what my customers put in their grocery carts.

I ask you to reject the beverage tax proposal.

Thank you.

Michael Botello



**LATE**

2/13/12

Members of the Health Committee,

I must vigorously oppose SB3019 the proposed soda tax as it is a taxation for the express purpose of behavior modification and not a tax for need.

The full intent of this bill is to punish certain behaviors and to punish all for the faults of the few. How can Hawaii continually profess to be the Healthiest state yet demand to tax our total citizenry for the behaviors of some citizens. This bill seeks to punish and that is not the constitutional purpose of taxation. It is to raise money for specific purposes. This tax is a fund raiser for the general fund and not truly tied to health measures.

It is also a dangerous method of forcing behavior to limit freedoms by government choice and non-personal choice. If I am healthy why should I pay that tax to enjoy a soda?

For our Bar industry this is also a very punitive tax in a still very fragile economy. A tax of 10 cents requires an increase of 50 cents per drink upon the product. Increasing prices and keeping customers away when our bottom line has continued to shrink annually.

There is also a matter of demands of collecting and reporting the sales of multiple items and different tax levels per item. This is more government interference within small business. The Health Department and Health Advocates should not be in the taxation business nor be responsible for the administration of the rules. They are biased and uncompromising and have no regard for economics or constitutionality as they have stated multiple times in many hearings. They believe they know what is best for you whether you want it or not.

I respectfully ask you to defer this bill.

Sincerely,

Bill Comerford  
Spokesman for the Hawaii Bar Owners Association

February 13, 2012

To: Sen. Josh Green, Chairman  
From: Kent Kurihara  
Hawaiian Sun Products, Inc.

Hawaiian Sun Products, Inc. strongly opposes SB3019 regarding a tax on Sugary Foods. The points of contention are no different than those highlighted in the discussion over SB 1179, 1289, and 2153 of last year.

**LOCAL JOBS AND PAYCHECKS ARE AT RISK** - Our company employs and cares for over 100 hard-working individuals, and by extension, their families as well. I am certain that with any more taxes on our industry and the subsequent loss in sales, we will be forced to lay off workers, and reduce the hours for the remaining staff. With the reduction in sales, our budgets for many operations will be reduced, and our Suppliers and Vendors will undoubtedly feel the cutbacks, too. From our fruit farmers on the Big Island, our cane sugar supplier on Maui, to our distributors on all the neighbor islands; from the stock clerks at the biggest retailers, to the neighborhood corner store; from our IT provider, to our janitorial supplier; all will feel the damaging effects of this legislation. Regardless of how big or small the companies affected by this bill are, LOCAL jobs are at stake.

**APPROPRIATE USE OF FUNDS** – If our industry is to be taxed or penalized for the perceived damage being done to our community, I would hope that funds generated by these measures would be used solely to mitigate that damage. We've heard time and again that monies generated by fees against our customers will be used for purposes outside of sugar-related health programs. From all angles, this seems inappropriate, being founded on a mislaying of blame on our products.

**DISCRIMINATORY TAXATION and LIFESTYLE MODIFICATION**– Many factors contribute to our current health issues, including sugar intake in people's diets. But it is improper to lay the blame on any type of food, when the real issue lies with individuals taking responsibility for their OWN health. Taxing sugary foods only defers blame and punishment away from the real culprit, attitude and education. It seeks to vilify specific foods and allows consumers to assume that they're not accountable for their own health decisions. There should be a focus on education, not taxation.

People buy what they want to eat and drink. Consumers have the right to choose what they eat without the burden of taxation, or their government trying to make their dietary decisions for them. Currently, with the cooperation of the Food and Drug Administration, we provide as much dietary information as possible on all of our food containers. The consumers have easy access to so much information in order to make their own dietary choices. No one person, company, or industry can be liable for what they do with that information. Dictating their dietary lifestyle is certainly not my obligation, and it's certainly not the charge of the Government either.

Sincerely,

Kent Kurihara  
Vice-President  
Hawaiian Sun Products, Inc.

February 13, 2012

Testimony to the Committee on Health  
Senator Josh Green, M.D., Chair  
Senator Clarence K. Nishihara, Vice Chair

Monday February 13, 2012, 1:15 p.m.  
Conference Room 229

RE: Opposition to SB 3019 - Relating to Health

Senator Josh Green, Chair and Senator Clarence Nishihara, Vice Chair,  
and Members of the Senate Committee on Health:

My name is Leighton Horiuchi, and I am the President of ITO EN (USA) Inc. We are a local beverage manufacturer and distributor of soft drinks doing business in Kalihi since 1987. We currently employ 70 workers. Our product line includes Aloha Maid fruit drinks and iced teas and Royal Mills iced coffees. We also distribute many other soft drinks throughout the state.

I strongly oppose SB3019. Imposing a new beverage tax would hurt local jobs like ours. The livelihoods of our employees depend on the sale of our beverages. Singling out the beverage industry this way is unfair and will put our business at risk.

A new tax is not the answer in this economy. Unemployment is remaining high and adding a new tax on common grocery items like beverages will lead to higher prices at the check out counter and make it harder for families to make ends meet.

We are one of just a handful of local beverage manufacturers remaining in Hawaii. Our employees have worked so hard to cut costs, spur revenues and keep their jobs in this tough economy. A beverage tax would be counter productive to our efforts.

Thank you for the opportunity to submit testimony.

Sincerely,

Leighton Horiuchi  
President

**LATE**



February 13, 2012  
1:15 P.M.  
Conference Room 229

To: Senate Committee on Health  
Senator Josh Green M.D., Chair  
Senator Clarence K. Nishihara, Vice-Chair

From: Hawaii Public Health Association  
Christopher Lum Lee, Chair, Legislative Committee

Re: SB3019 RELATING TO HEALTH

Chair Green and Committee members:

The Hawaii Public Health Association understands that there are often instances where the State's finances and the direction of Public Health in Hawaii meet and discussions will ensue. Therefore, the Association would like to support this measure but provide additional comments.

The Association is concerned with the prevalence and trend of obesity in both children and adults. It is through preventative efforts, specifically educating the community, that is possibly indeed the best way to reduce the risk and prevalence of obesity in the long run. From a pro-Public Health perspective, the Association supports this measure.

From a financial perspective, Public Health in Hawaii is an important investment due to the nature and scope of the programs and services that are provided to the people of Hawaii. In recent years, Public Health not only on a State-level but on a national-level has suffered severe funding cuts that are typically used to finance these programs and services. Due to these budget cuts and "raids" of Public Health special funds, the Public Health community will benefit and be grateful to be able to receive some funds in return from this tax.

However, after reviewing this measure, there is a concern regarding section 14 relating to the distribution of funds. Subsection 1 states that per cent of the revenues collected will go towards the community health centers special fund. While we support this dedication of funds, there is no specificity as to exactly what the per cent is. Our concern with subsection 2 and the prescribed dedication of funds towards the trauma system special fund goes in line with our concern of subsection 1 because of the lack of clarity as to how much funds are to go into the trauma system special fund.

The Association would again like to express support of this measure with comments. Specifically, the concern is with the lack of clarity as to how much funding will be dedicated to the community health centers and trauma system special funds. While the Association does understand that the State is still recovering from the financial hardships associated with the 2008 and 2009 economic downturn, it is our hopes that Public Health funding will be restored to effect these programs and services that the community needs to manage and minimize the impact of the barriers to healthy communities.

Respectfully submitted,

/s/ Christopher K.J. Lum Lee

Christopher K.J. Lum Lee, Chair

Hawaii Public Health Association Legislative Committee



**LATE**

## Testimony SB 3019

Name: May Okihiro, MD MS

Director: Hawaii Initiative for Childhood Obesity Research and Education (HICORE)

Assistant Professor: University of Hawaii John A. Burns School of Medicine

Pediatrician: Waianae Coast Comprehensive Health Center

**Measure: SB 3019, Related to Health**

Committee on Health

Senator Josh Green, Chair

Senator Clarence K. Nishihara, Vice Chair

Date: Monday, February 13, 2012

*This testimony is in support of the intent of the bill.*

Childhood and adolescent obesity is a critical problem in Hawaii. The Hawaii Department of Health found that 30 to 45% of kindergarten keiki in many of our rural and low-income communities are overweight and obese.<sup>1</sup> The problem is worse among our teens. Our Hawaii based research tells us that our adolescents are developing significant risk for early diabetes and cardiovascular disease. In addition, Hawaii's children have some of the highest rates of dental caries in the nation.<sup>2</sup>

### ***Highlights of research related to Sugar Sweetened Beverages and Health:***

- The science base linking sugar-sweetened beverages to chronic disease is clear. Consumption of sugar-sweetened beverages has been linked to increased risk for obesity, diabetes, and heart disease.
- Soft drinks are the single largest contributor of calorie intake in the United States<sup>3</sup>
- Soda demineralizes and weakens tooth enamel. Soft drinks increase the incidence of tooth decay and that decreasing consumption decreases dental caries.<sup>4,5</sup>
- Sugar-sweetened beverage consumption is highest among groups that are at greatest risk of obesity and diabetes.<sup>6</sup>

### ***Why do people drink these beverages? The powerful influence of advertising on children:***

- Advertisers spend more than \$2.5 billion/year to promote restaurants and another \$2 billion to promote food and beverages.<sup>7</sup>
- On TV alone, kids and parents are exposed to an estimated 40,000 ads per year; half are for foods, especially high calorie, sugary snacks and beverages.<sup>7,8</sup>
- Children and adolescents are attractive consumers: teenagers spend \$155 billion/year, children younger than 12 years spend another \$25 billion. Kids and teens influence another \$200 billion of their parents' spending per year.<sup>8-11</sup>
- Studies have shown that after just one exposure to a commercial, children can recall an ad's content and have a desire for the product.
- Media literacy skills include the ability to critically analyze media messages. There is currently no regular funding in Hawaii for media literacy programs so it is not surprising then that children are especially vulnerable to advertising by the food and beverage industry.

### ***Other related issues:***

- Funding for health promotion and programs related to nutrition, physical activity and obesity prevention in Hawaii has decreased in the last several years.
- In light of the high obesity prevalence among Hawaii's children and adults, the poor dental health of Hawaii's children and the high prevalence of related diseases such as diabetes, it is imperative that steps, such as a 1-cent/ounce sweetened-beverage tax, are taken to reverse this trend.

The Hawaii Initiative for Childhood Obesity Research and Education  
University of Hawaii John A. Burns School of Medicine, Department of Pediatrics  
Contact: (808) 271-6980; info@hicore.org



References:

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7. Nestle, Marion. *Food Politics: How the Food Industry Influences Nutrition and Health.* University of California Press. 2007
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# LATE

## MAUI BREWING CO.

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5 February 2012

Committee on Health  
State of Hawai'i

Re: Testimony SB3019

Aloha Ladies and Gentlemen of the Committee:

I am writing to you with concerns surrounding SB 3019 and implementing a tax on sugary beverages. Although I am a strong supporter of the intent of this bill I believe that a universal tax on any sweetened beverages would adversely effect both locally produced beverages and natural products. Focusing on local production of sweetened beverages, I would propose an exemption for locally produced beverages where natural local cane sugar and honey are the only sweeteners used. If we look at the study referenced in the proposed bill we can safely assume that it primarily refers to the High Fructose Corn Syrup sweetened products produced by large corporations. The obesity in children, diabetes, and other negative health effects are associated primarily with those types of products. Sold at every convenience store in sizes up to 64 ounces, a half gallon, of soda for less than a dollar at times is the real culprit for the issues we are facing. When anyone envisions a consumer drinking a "sugary beverage" the image is a large jug of soda from a convenience store or big 2 liter bottle of globally produced soda; not a can of green tea sweetened purely with honey, or a ginger ale produced with ginger from the Big Island and Maui Cane sugar.

With local cane sugar production on the decline, following the unfortunate path of Pineapple here on Maui, we need to be conscious of the negative impact this bill will have in its current form. Create an exemption for natural products and locally produced beverages where only cane sugar and honey are used and support local business and a natural way of life.

Mahalo for your time, consideration, and support of local business.

Sincerely,

Garrett W. Marrero, Founder  
808.280.4687  
G@MauiBrewingCo.com

HANDCRAFTED ALES & LAGERS BREWED WITH ALOHA  
910 HONOAPIILANI HWY #55, LAHAINA, MAUI, HI 96761  
877.628.4273 • 808.669.0191 FAX

Senator J. Greene M.D. - Chair  
Senator Nishihara - Vice Chair

February 9, 2012

Winton Schoneman

IN STRONG OPPOSITION TO SB3019 RELATING TO HEALTH (Taxation sugar sweetened beverages)

Aloha Chair Greene and Vice Chair Nishihara, members of the Committee, I apologize for not being present to provide this testimony. I oppose this measure on several grounds.

First, I strongly oppose behavior modification through taxation. This regressive approach to solving societal ills does little to hold the individual accountable for his or her choices in life and those learned behaviors are often passed on from generation to generation. High taxes on cigarettes have not stopped people from smoking. I don't smoke but that is a decision I made because of education. Taxes on alcohol do not stop people from drinking. People are going to do what they are going to do. The key is to educate them so that they make informed decisions.

Second, these taxes disproportionately affect the poor and the middle class.

Third, beverage labels are in grams, not teaspoons not ounces, making it difficult to figure out how much sugar is in a beverage and what the tax might be. For a 12 oz can of cola there are about 39 grams of sugar. If the tax is at a rate of \$.10 per can ... well the expense of managing the system exceeds the value of the tax. There is little evidence to suggest that a \$.10 change in the price of a soda will affect consumption.

Fourth, the State of Hawaii has failed to educate the populace on the health effects of excess consumption of many food items including, but not limited to, sugar, red meat, artificial flavors, food dyes. Nor has it fulfilled its obligation to educate the populace on the NECESSITY of adequate, regular, exercise. I find it unconscionable that we are seeking to punish those who are ignorant of what they do. Taxation cannot be substituted for education.

Lastly, I am concerned about how far "behavior taxation" may be carried. Do we have a "fat tax" to limit the consumption of fatty foods to limit the effects of cholesterol? Do we have an EMD...exercise monitoring device to ensure that we exercise enough, if not we get the tax. Do we move to a birth tax to limit the number of children a couple can have to limit population growth? This can get so far out of control. Shades of George Orwell.

That being said, I am not opposed to a flat tax on any particular item provided that the tax was designated exclusively to paying for health and physical education in our public schools.

Thank you.

Sincerely,

Winton Schoneman

## Green4 - Mailene

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 1:33 AM  
**To:** HTHTestimony  
**Cc:** lwells@cfht.hawaii.edu  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Wells  
Organization: Individual  
E-mail: [lwells@cfht.hawaii.edu](mailto:lwells@cfht.hawaii.edu)  
Submitted on: 2/12/2012

### Comments:

I want to preface this by saying that I no longer drink soda, or sweetened fruit juices. I do drink the unsweetened fruit juices on occasion however. The money which goes into a special fund I suspect will not be used for what it is designated. This will just be another "slush" fund from which our representatives will pay for other things. We are being taxed enough in this state, and it is bad enough that we charge visitors higher tax rates at hotels, but to start charging our lifestyles like this is just absurd. Everything in this state starts out at a higher cost, so if you start taxing more specific things, then it will discourage business, commerce, and eventually will drive away those who can no longer afford to live here. I may be one of them. Stop the TAXING!

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 9:54 AM  
**To:** HTHTestimony  
**Cc:** Tsaur@hawaii.edu  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Nancy Tsaur  
Organization: Individual  
E-mail: [Tsaur@hawaii.edu](mailto:Tsaur@hawaii.edu)  
Submitted on: 2/12/2012

Comments:

My name is Nancy Tsaur and I am in strong opposition to this proposed tax on sugary beverages. The cost of living in our beautiful state is already very high and it is a struggle to make it here, as one can easily see with the increasing number of homeless. And now you want to create a new tax and drinks containing sugar. In this difficult economy every little bit counts and rather than have the government add another burden on our shoulders, it should be assisting us. Instead of wasting our time on this issue, let's look for other sources of income. Thank you.

**LATE**

**Green4 - Mailene**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 9:53 AM  
**To:** HTHTestimony  
**Cc:** CathyTsauro@gmail.com  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position:  
Testifier will be present: No  
Submitted by: Catherine Tsauro  
Organization: Individual  
E-mail: [CathyTsauro@gmail.com](mailto:CathyTsauro@gmail.com)  
Submitted on: 2/12/2012

**Comments:**

My name is Catherine Tsauro and I am in strong opposition of taxing beverages containing sugar. It does not make sense to solely blame sugary drinks as the cause to obesity. The government cannot make arbitrary decisions for the entire population as to what we should and should not eat or drink. Everyone has the right to make their own decisions. If you start taxing sugar now, what's next? Salt? Butter? The government must not create new taxes to increase cash flow, but should look at other income sources such as gambling. Thank you for your time.

## Green4 - Mailene

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 10:40 AM  
**To:** HTHTestimony  
**Cc:** class\_clown\_19@yahoo.com  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Melissa Force  
Organization: Individual  
E-mail: [class\\_clown\\_19@yahoo.com](mailto:class_clown_19@yahoo.com)  
Submitted on: 2/12/2012

### Comments:

My name is Melissa Force and I am in strong opposition of taxing beverages containing sugar. Sugary drinks are not the sole cause of obesity. Realistically, if everyone drank only diet soda, which doesn't contain sugar, the obesity problem would still exist. The government cannot make arbitrary decisions for the entire population as to what we should and should not eat or drink. Everyone has the right to make their own decisions. And if the government were really serious about the obesity issue, they would promote a healthy lifestyle rather than attack certain products. Thank you for your time.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2012 10:41 AM  
**To:** HTHTestimony  
**Cc:** balunz4u@aol.com  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Karen Force  
Organization: Individual  
E-mail: [balunz4u@aol.com](mailto:balunz4u@aol.com)  
Submitted on: 2/12/2012

Comments:

My name is Karen and I am in strong opposition to this proposed tax on sugary beverages. I am a small business owner and the cost of living in our wonderful state is extremely high and it is a struggle to make it here. This is evidenced with the increasing number of homeless. And now you want to create a new tax for drinks containing sugar. In this difficult economy every little bit counts and rather than have the government add another burden on our shoulders, it should be assisting us. People are not ignorant and know that sugary drinks are not the only cause of obesity and should be able to eat and drink as they please without government interference. Thank you.

**LATE**

TO: Members of the Committee on Health

FROM: Natalie Iwasa  
Honolulu, HI 96825  
808-395-3233

HEARING: 1:15 p.m. Monday, February 13, 2012

SUBJECT: SB 3019 Beverage Tax - **OPPOSED**

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on SB 3019, which would add a tax to certain sugar-sweetened beverages. One problem cited in this bill is childhood and adult obesity. The solution to obesity, in my opinion, requires people to be more physically active as well as to eat more healthy foods.

Adding a tax to certain beverages is not going to create healthier lifestyles but will increase the paperwork burden of businesses. I therefore oppose this bill.

Please either vote "no" or hold this bill in committee.



**LATE**

**Green4 - Mailene**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2012 5:27 PM  
**To:** HTHTestimony  
**Cc:** okihirom@hawaii.edu  
**Subject:** Testimony for SB3019 on 2/13/2012 1:15:00 PM

Testimony for HTH 2/13/2012 1:15:00 PM SB3019

Conference room: 229  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: May Okihiro  
Organization: Individual  
E-mail: [okihirom@hawaii.edu](mailto:okihirom@hawaii.edu)  
Submitted on: 2/13/2012

Comments: