

# LATE TESTIMONY

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**From:** joef@ejlounge.com  
**Sent:** Tuesday, February 08, 2011 1:55 PM  
**To:** PGM Testimony  
**Subject:** SB708

Dear Sirs,

I am in favor of SB708 establishing an annual permit to allow smoking in certain establishments.

Yours Truly,

**Joe Felix**  
*General Manager*

O'Toole's Irish Pub  
902 Nuuanu Avenue  
Honolulu, Hawaii 96817

Cell: 808-778-9504  
Bar: 808-536-4138  
Email: [joef@ejlounge.com](mailto:joef@ejlounge.com)

Office: 808-521-4712  
Fax: 808-521-4713



# LATE TESTIMONY

Wednesday, February 8, 2011, 2:45 PM  
State Capitol Room 224

## Testimony of the Democratic Party of Hawai'i

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

### Testimony to OPPOSE SB 708 Relating to Smoking

To Chair Green, Vice Chair Nishihara, and Members of the Senate Committee on Health:

Thank you for the opportunity to testify before this committee on behalf of the Democratic Party of Hawai'i.

**The Democratic Party of Hawai'i opposes SB 708**, because it would promote cigarette smoking in bars and nightclubs, causing their employees, customers, suppliers, police, health inspectors and other members of the public to be exposed to dangerous second-hand tobacco smoke. Furthermore, it would publicize smoking. Its mandate to display pro-smoking notices would imply State endorsement of smoking, by stating "Smoking Permitted By Law." The pro-smoking message conveyed by these signs would confuse important public health messages about dangers to health caused by smoking and by exposure to environmental tobacco smoke.

SB 708 would move Hawai'i in the wrong direction. More protection against exposure to secondhand smoke is needed, not less.

Delegates to the 2010 Democratic Party of Hawai'i Convention adopted a Resolution (ENV 2010-20) to urge the State Legislature to expand Act 295 of the 2006 Legislature by further protecting children and health-compromised adults from secondhand tobacco smoke. Extending this protection is a priority for the Democratic Party in 2011. SB 708 would go in the wrong direction, by causing health-compromised adults to be exposed to secondhand smoke in bars and nightclubs.

The Democratic Party of Hawai'i urges the Legislature of the State of Hawai'i to protect the public from exposure to secondhand tobacco smoke by opposing SB 708.

Respectfully submitted,

Joy Kobashigawa Lewis & Douglas Pyle, Co-Chairs  
Legislation Committee of the State Central Committee,  
Democratic Party of Hawai'i

# LATE TESTIMONY

Hawaii State Legislature  
State Senate  
Committees on Health and  
Public Safety, Government Operations and Military Affairs

State Senator Josh Green, M.D., Chair  
State Senator, Clarence K. Nishihara, Vice Chair  
Committee on Health

State Senator Will Espero, Chair  
State Senator Michelle Kidani, Vice Chair

Wednesday, February 3, 2010, 8:30 a.m. Room 016  
Senate Bill 708 Relating to Smoking

Honorable Chair Josh Green, M.D., Vice Chair Clarence K. Nishihara and  
members of the Senate Committee on Health, and

Honorable Chair Will Espero, Chair and  
members of the Senate Committee on Public Safety, Government Operations and Military  
Affairs,

My name is Russel Yamashita and I support the passage of SB 708 Relating to Smoking to permit certain establishments the opportunity to permit smoking on their premises. My family has owned a retail business for nearly 40 years that catered to primarily Japanese visitors.

In spite of what you may have heard over the years that Japanese visitors are not affected by the smoking ban now in place, the nearly 20 percent of the population who smoke in Japan now know that Hawaii is not a friendly place to visit. Naturally, over the years, the loss of 20 percent of the Japan market is significant and of course any surveys of the current Japanese visitor will reflect no sampling of the 20 percent of the Japanese market that no longer comes to Hawaii.

The hope that Chinese and Korean visitors will be the next wave of big spending tourists comes with a caveat that even more of them smoke compared with the Japanese. Lacking sufficient communication ability with these visitors, I know that the visitor industry is ill equipped to handle the violators of the smoking ban at most visitor venues.

Granting smokers some venue rather than the alleys and beaches of Waikiki will give some opportunity for some showing of understanding and willingness to provide visitors some semblance of the old aloha spirit, rather than some poor hotel employee harassing them to put out their cigarettes.

# LATE TESTIMONY

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**From:** Brent Tamamoto [btamamoto@gmail.com]  
**Sent:** Wednesday, February 09, 2011 3:17 AM  
**To:** PGM Testimony  
**Subject:** Strong Opposition to SB 708

Dear Chairs Green and Espero, Vice Chairs Nishihara and Kidani, and Joint Committee on Health and Public Safety, Government Operations, and Military Affairs

Re: Strong Opposition to SB 708.

I support the 2006 Smoke-Free Workplace law as is. The current law protects all workers from exposure to secondhand smoke.

I oppose SB 708 as it would erode the law and place employees at risk for exposure to secondhand smoke. Exposure to tobacco smoke – even occasional smoking or secondhand smoke – causes immediate damage to your body that can lead to serious illness or death, according to a report released by U.S. Surgeon General Regina M. Benjamin.

Hawaii's smoke-free law has been one of the best pieces of public health legislation our Legislature passed. Because of it, I now work in a place that is smoke free. My family and I do not have to be exposed to other people's secondhand smoke. And the next generation see less smoking around them.

Please continue to do the right thing to keep Hawaii smoke free. Please hold SB 708 in Committee.

Mahalo,

Brent Tamamoto  
98-1065 Kaamilo Street  
Aiea, HI 96701

# LATE TESTIMONY

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**From:** Jennifer Bracamontes [jbracam@hawaii.edu]  
**Sent:** Tuesday, February 08, 2011 11:23 AM  
**To:** PGM Testimony  
**Subject:** Strong Opposition to SB 708

Dear Chairs Green and Espero, Vice Chairs Nishihara and Kidani, and Joint Committee on Health and Public Safety, Government Operations, and Military Affairs

Re: Strong Opposition to SB 708.

I support the 2006 Smoke-Free Workplace law as is. The current law protects all workers from exposure to secondhand smoke.

I oppose SB 708 as it would erode the law and place employees at risk for exposure to secondhand smoke. Exposure to tobacco smoke – even occasional smoking or secondhand smoke – causes immediate damage to your body that can lead to serious illness or death, according to a report released by U.S. Surgeon General Regina M. Benjamin.

Hawaii's smoke-free law has been one of the best pieces of public health legislation our Legislature passed. Because of it, I now work in a place that is smoke free. My family and I do not have to be exposed to other people's secondhand smoke. And the next generation see less smoking around them.

Please continue to do the right thing to keep Hawaii smoke free. Please hold SB 708 in Committee.

Mahalo,

Jennifer Bracamontes  
1541 Dominis Street  
Honolulu, HI 96822

# LATE TESTIMONY

February 7, 2011

The Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair

The Committee on Health  
Senator Josh Green, Chair

Hearing on SB708 – Tuesday at 2:45 PM – Room 224

## Testimony in Strong Opposition

Chairs Espero and Dr. Green:

I am in strong opposition to SB708.

I am a volunteer for the American Cancer Society and supported passage of our smoke-free law. SB 708, turn back efforts to make our workplaces & public places smoke free. I have a right to breathe clean air in public places and at work, and I do not want to roll back the law to place my health at risk.

Those working in restaurants and night clubs, as well patrons of that establishment should not be exposed to secondhand smoke. Allowing bars and night clubs to permit smoking again would be taking a very huge step backwards.

Since our smoke-free law went into effect, I have personally seen the positive impact the law has had on my family, friends and coworkers. It has saved hundreds of lives and protects all of us from the health hazards of secondhand smoke.

Secondhand smoke is a known cause of, not only lung cancer, but other cancers as well including; breast, oral cavity, pharynx, larynx, esophagus, bladder, stomach, cervix, kidney and pancreas, and acute myeloid leukemia. The CDC has estimated that 46,000 deaths a year are related to secondhand smoke.

We must keep Hawaii's Smoke-Free Law strong. It has been over 5 years since the law was passed. The law is a good one -it has saved lives and created a cleaner and healthier work environment for the residents of Hawaii.

Please do not take away our safe workplaces and public places. Don't give some businesses a license to kill!

Sincerely,



Merrilee Ako  
Lihue, Kauai

# LATE TESTIMONY

Email: [PGMTestimony@Capitol.hawaii.gov](mailto:PGMTestimony@Capitol.hawaii.gov)

February 8, 2011

The Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair

The Committee on Health  
Senator Josh Green, Chair

**Hearing on SB708 – Tuesday at 2:45 PM – Room 224**

## Testimony in Strong Opposition

Chairs Espero and Dr. Green:

I am in strong opposition to SB708.

We should not go back to smoke filled workplaces and public places. I have a right to breathe clean air in public places and at work, and I do not want to roll back the law so my health is at risk to earn a living or when I go out to a restaurant.

Our workers and the public should not be exposed to secondhand smoke which leads to serious health risks and forces many to risk their health to earn a living.

**Allowing bars and night clubs to permit smoking again would be taking a very huge step backwards.**

We must keep Hawaii's Smoke-Free Law strong. It has been over 5 years since law passed. The law is working! It is saving lives and creating a cleaner, healthier work and public environment.

Since our smoke-free law went into effect, I have personally seen the positive impact the law has had on my family, friends and coworkers. It has saved hundreds of lives and protects all of us from the health hazards of secondhand smoke.

Secondhand smoke is a known cause of, not only lung cancer, but other cancers as well including; breast, oral cavity, pharynx, larynx, esophagus, bladder, stomach, cervix, kidney and pancreas, and acute myeloid leukemia. The CDC also estimates that 46,000 deaths a year are related to secondhand smoke.

Smoke-free laws are continuing to be passed. Hawaii was the 14th state to pass a smoke-free law. Now there are 39 smoke-free states.

**Please don't allow a few bar owners amend the law. Please do not let this happen. Hawaii's Smoke-Free Law is a good one.**

Please do not take away our safe workplaces and public places. Don't give some businesses a license to kill!

Sincerely,



*Keep my children's family healthy  
Do NOT pass this Bill!*

# LATE TESTIMONY

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**From:** Tante Bautista [haleolanakila@hawaii.rr.com]  
**Sent:** Tuesday, February 08, 2011 10:23 AM  
**To:** PGM Testimony  
**Subject:** Strong Opposition to SB 708

Dear Chairs Green and Espero, Vice Chairs Nishihara and Kidani, and Joint Committee on Health and Public Safety, Government Operations, and Military Affairs

Re: Strong Opposition to SB 708.

I support the 2006 Smoke-Free Workplace law as is. The current law protects all workers from exposure to secondhand smoke.

I oppose SB 708 as it would erode the law and place employees at risk for exposure to secondhand smoke. Exposure to tobacco smoke – even occasional smoking or secondhand smoke – causes immediate damage to your body that can lead to serious illness or death, according to a report released by U.S. Surgeon General Regina M. Benjamin.

Hawaii's smoke-free law has been one of the best pieces of public health legislation our Legislature passed. Because of it, I now work in a place that is smoke free. My family and I do not have to be exposed to other people's secondhand smoke. And the next generation see less smoking around them.

Please continue to do the right thing to keep Hawaii smoke free. Please hold SB 708 in Committee.

Mahalo,

Tante Bautista  
146 Waimaluhia Lane  
Wailuku, HI 96793-2351



# LATE TESTIMONY

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**From:** SUSAN KING [suking421@aol.com]  
**Sent:** Tuesday, February 08, 2011 10:34 AM  
**To:** PGM Testimony  
**Subject:** Strong Opposition to SB 708

Dear Chairs Green and Espero, Vice Chairs Nishihara and Kidani, and Joint Committee on Health and Public Safety, Government Operations, and Military Affairs

Re: Strong Opposition to SB 708.

I support the 2006 Smoke-Free Workplace law as is. The current law protects all workers from exposure to secondhand smoke.

I oppose SB 708 as it would erode the law and place employees at risk for exposure to secondhand smoke. Exposure to tobacco smoke – even occasional smoking or secondhand smoke – causes immediate damage to your body that can lead to serious illness or death, according to a report released by U.S. Surgeon General Regina M. Benjamin.

Hawaii's smoke-free law has been one of the best pieces of public health legislation our Legislature passed. Because of it, I now work in a place that is smoke free. My family and I do not have to be exposed to other people's secondhand smoke. And the next generation see less smoking around them.

Please continue to do the right thing to keep Hawaii smoke free. Please hold SB 708 in Committee.

Mahalo,

SUSAN KING  
1889 LOKE STREET  
#316  
WAILUKU, HI 96793

# LATE TESTIMONY

## COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair  
Senator Michelle Kidani, Vice Chair

## COMMITTEE ON HEALTH

Senator Josh Green, M.D., Chair  
Senator Clarence K. Nishihara, Vice Chair

## NOTICE OF HEARING

DATE: Tuesday, February 8, 2011  
TIME: 2:45 p.m.  
PLACE: Conference Room 224  
State Capitol  
415 South Beretania Street

Testimony in Support of Senate Bill 708. Exempts stand alone bars from the smoking ban for a permit fee and signage informing people that the establishment allows smoking.

I support the passage of Senate Bill 708.

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Dear Senators,

I speak to you today as a representative of the Hawaii Bar Owners Association. Many of those bar owners involved 5 years ago are no longer in our industry many directly as a result of the smoking ban but also as result of the reactionary legislation that has followed that ban.

5 years ago after the passing of the ban I asked these questions; to the legislature, neighborhood boards and the press.

Do you want litter on your streets and sidewalks?

Do you want noise on the streets and sidewalks until 4am every night?

Do you want fights and violence on the streets and sidewalks nightly?

Every one said no.

Well **that** is the effect of every smoking ban ever created. Our patrons have been inside the bars for many long years without these problems blooming. I forewarned these things and warned that the reactionary measures to come would threaten our industry.

This year we have pending legislation to

- Register security in our bars with background checks.
- Limits on cabaret hours
- Limits on existing cabaret licenses with removals of some licenses

- Compliance to smoking laws to renew licenses
- Assault charges for smokers in public areas (sidewalks)

These legislative issues are piled on every year now as a direct reactionary result of the ban.

Legislators think we can monitor sidewalks, streets and common areas. Well those are public areas and often City and County property and we do not have the right or insurance coverage to control property that is not ours.

Bills need to have common sense, forethought and must be rational. We need to avoid reactionary and emotional bills, yet that is what we face every session.

The Smoking ban and its administrative rules are emotional and not rational. Let's proceed with common sense. I ask you to look at the law and those rules to assure they comply with constitutional and practical issues.

Bars enhance the visitor experience with nightlife and entertainment. We contribute to the health of our visitor industry. We provide jobs, wages, sales taxes, income taxes and a multitude of sin taxes. Thirty percent of the world smokes and we should make them feel welcome and not the recipients of a second rate aloha. Our goal is to get every customer back and that should be the role of government as well.

Why must we have the strictest law in the nation and perhaps the world? To what benefit? To please the anti-smoking groups? What income do they provide the state?

Those anti-groups are a draw upon our tax dollars not a producer of tax dollars. Their economic impact study was completed by an epidemiologist from a NY cancer research center who had done 14 other studies for smoking bans all stating that they had no economic impact. The groups are emotional and reactionary and do not use common sense or reality. That would have called for a study completed by a non-biased group such as our economic departments of the state or the university.

Those groups and the state should just ban smoking outright and make it illegal. But neither they nor our state will give up the income that smoking brings to them. I can legally sell tobacco products in my bars but I can't let them light them. That is like giving them an unopened beer bottle to sit with at the bar.

Economically they cited the benefits in the British Isles where the known result has been the closing of 6500 pubs while experiencing an increase in alcohol and tobacco consumption opposite of the health group's goals. The pub scene has died there and the effect upon tourism is substantial. Let's not let that happen here.

So let's be practical. Allow some form of smoking in bars. That is what this bill provides. Eighty percent of our population does not smoke and thus twenty percent who do must suffer the tyranny of the majority on this smoking issue to suffer while using a legal product. Conversely seventy percent of my customer base smokes and a minority of my customers do not. I am faced with the dilemma of serving customers who are not there. The nonsmokers do not frequent bars. It is not a business model that can succeed.

A practical solution to this is to allow a small number of the bars to allow smoking through permits. This permits registered bars to open their bars to customers. It will not affect all bars and no restaurants or hotels. Not all bars are strip clubs and not everyone goes to a strip club yet they exist legally. Not everyone would go to a smoking bar but some will if it is legal. It becomes a matter of choice. Please look at the severity of the ban, its inability to allow compromise and how it has forced us to look for relief through this bill.

Our industry has suffered increases in costs, wages, workman's comp, unemployment benefits and utilities with increased property, payroll, income, conveyance taxes. While bottle bills, liquor and tobacco taxes have increased with increasing reactive legislation continues to threaten our businesses. Our industry is hanging on by its fingernails. Please allow us some practical relief and pass this bill.

Let's use common sense and practical means to create a healthy industry and reap the taxes from those businesses and the permit fees. Let us respect your decisions and please respect our industry and its survival by putting the customers back **INSIDE** the bars.

Sincerely,

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

Bill Comerford  
Hawaii Bar Owners Association  
10 Marin Lane  
Honolulu, HI 96817  
808-223-3997  
bill@ejlounge.com



This is a representative sale of a beer as a ratio expense of the whole Profit and Loss statement of our companies.

Price of domestic Bottle in our bars	\$4.75
	\$
Cost of goods sold	0.91
	\$
Bottle bill deposits	0.07
	\$
advertising	0.13
	\$
Bank fees	0.05
	\$
Entertainment / Music	0.42
	\$
Insurance	0.20
	\$
Utilities	0.21
	\$
Wages	0.91
	\$
Rent	0.46
	\$
Supplies	0.06
	\$
Equipment/ maint/ Janitorial / furn	0.06
	\$
Combined other expense	0.59
	\$
Government costs *(in store)	0.55
	\$
Profit	0.14
	\$
	4.75

\* This does not represent the multitude of taxes on product before it reaches our door. There are City, State and Federal taxes on product, liquor and tobacco.

The glass is not half full it is surprisingly empty!!!!.

Government and Landlords make a better profit off us than we can ever make.

**There is very little incentive to stay in this industry in Hawaii. Owners have a 365 day annual work schedule working all hours of the night and days of the week to make less than a 3% profit. While they risk their homes, health and businesses to all imaginable risks the Governments of Hawaii and Honolulu do not play fair and change the rules constantly for those in our industry.**

**If I could sell my bars I would easily put the money into a CD and get a better yield without any work at all.**

**Please stop endangering our Hospitality Industry and the hardworking small businessmen and women who create it. We provide entertainment for our visitors and jobs for our residents. We do not work this hard for the Government's benefit, we do it for a profit and if the government threatens that profit there is no incentive to remain in the industry. It would be better to walk away.**

**Please take the time as a legislator to talk to a neighborhood small businessman in Hawaii. Be candid and ask them if it is worth working in Hawaii. How much must you take from the businesses to provide for an ever growing State and City Government? WE ARE NOT A BOTTOMLESS WELL OF TAX INCOME FOR UNION EMPLOYEES!!**

**Vote with common sense and as a resident of Hawaii, not as an obligated member of the monopoly political party. The burden of doing business in Hawaii is too high for the benefit of those who put forth no risks at all.**

**WITH NO BUSINESS TO TAX THERE WILL BE NO STATE GOVERNMENT.**