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COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
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February 5, 2013

TO: Honorable Della Au Belatti, Chair
House Committee on Health

Honorable Henry J.C. Aquino, Chair
House Committee on Public Safety

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

DATE: Hearing date Friday, February 8, 2013

SUBJECT: **SUPPORT OF HB 1350, RELATING TO TOBACCO**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to prohibit any minor under the age of 18 from possessing or smoking tobacco products..

I support this measure for the following reasons:

1. Currently, State law prohibits the purchase of any tobacco product by a minor under 18 years of age, but declines to address possession or smoking of tobacco products by the same group of at-risk teens. By adding three words to Section 709-908 of the Hawaii Revised Statutes, this measure aims to promote the health and well-being of minors, and to present barriers to addiction at a meaningful stage of development. Barring minors from purchasing tobacco, while important, fails to regulate use. School rules prohibiting smoking on campus are at best effective as a geographic restriction.
2. As with laws prohibiting youth from drinking alcohol, the State should prohibit, and actively seek to diminish, experimentation and addiction to tobacco, particularly with such a vulnerable population.
3. The measure is simple and intuitive, and the system of fines and community service is already in place for those who choose to ignore the law.

For the foregoing reasons, I support this measure.

CM:EM:tobacco_13session_hb1350a:grs

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE RA-YZ

February 8, 2013

The Honorable Della Au Belatti, Chair
and Members
Committee on Health
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Belatti and Members:

Subject: House Bill No. 1350, Relating to Tobacco

I am Raymond Ancheta, Major of the Community Affairs Division, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 1350, Relating to Tobacco, which would make the possession and smoking of tobacco products by persons under the age of eighteen unlawful under Section 709-908(3) of the Hawaii Revised Statutes.

The HPD recognizes the need to reduce the purchasing, smoking, or use of tobacco in any form by minors. However, the consequences for violating these prohibitions must be more severe if they are to be an effective deterrent. The current penalty for violations of Section 709-908(3) is a \$10 fine for the first offense.

Thank you for the opportunity to testify in opposition to House Bill No. 1350.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Ancheta", written over a horizontal line.

RAYMOND ANCHETA, Major
Community Affairs Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", written over a horizontal line.

LOUIS M. KEALOHA
Chief of Police



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Testimony Opposing HB1350; “Relating To Tobacco”

The American Heart Association opposes HB 1350, “Relating To Tobacco.”

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 almost \$25 million in Hawaii annually 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 HB 1350 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 HB 1350 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 to 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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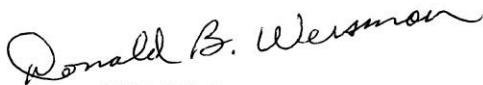
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Fax: 808-538-3443

***“Building healthier lives,
free of cardiovascular
diseases and stroke.”***

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

Please vote no on HB 1350.

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 Della Au Belatti, Chair, Committee on Health
The Honorable Dee Morikawa, Vice Chair, Committee on Health
Members, House Committee on Health
From: Jessica Yamauchi, Executive Director
Date: February 7, 2013
Hrg: House Committee on Health; Fri, February 8, 2013 at 8:30 a.m. in Rm 329
Re: **Opposition to HB 1350, Relating to Tobacco**

Thank you for the opportunity to testify in opposition to HB 1350, which makes it unlawful for any minor under the age of 18 to possess, or smoke any tobacco product.

The Coalition for a Tobacco Free Hawaii (Coalition) is an independent organization in Hawaii working to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit organization of over 100 member organizations and 2,000 advocates that works to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

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 purchasing, possessing 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
- restricting the ways tobacco is sold and advertised to young people.

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.



We must work to hold the tobacco industry accountable. The tobacco industry spends more than \$25 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 existing rules that prohibit the sale of tobacco to minors is being enforced.

Lastly, we share that Hawaii's youth smoking rates are 12.3%.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 respectfully ask that you hold or amend this measure.

Thank you for the opportunity to testify on this matter.

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

Jessica Yamauchi, M.A.
Executive Director

² Hawai'i State Department of Health, "Data Highlights from the 2011 Hawai'i Youth Tobacco Survey (YTS) and Comparisons with Prior Years."