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## A BILL FOR AN ACT

RELATING TO PROHIBITIONS ON UNIVERSITY OF HAWAII PREMISES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that tobacco use is the  
2 single most preventable cause of death in the United States,  
3 with tobacco-related disease resulting in \$96,000,000,000 in  
4 health care costs annually. The 2012 United States Surgeon  
5 General Report states that tobacco use and exposure to second-  
6 hand smoke are serious public health concerns and that there is  
7 no safe level of exposure to environmental tobacco smoke.

8           The legislature further finds that additional concerns have  
9 been raised about the growing popularity of electronic smoking  
10 devices. Sales of electronic smoking devices in the United  
11 States have doubled each year since 2008, with sales in 2013  
12 projected to reach \$1,700,000,000. Due to the relative lack of  
13 research data on electronic smoking devices, many public health  
14 organizations and policymakers are concerned about the safety  
15 and impact of these products on public health.

16           The legislature additionally finds that smoking and all  
17 tobacco use is already prohibited on over seven hundred sixty  
18 college and university campuses in the United States. Many



1 colleges and universities are including electronic smoking  
2 devices in these campus-wide bans. Allowing smoking and tobacco  
3 use on the University of Hawaii premises presents substantial  
4 fiscal burdens for employee health care costs, absenteeism,  
5 turnover, physical facilities upkeep, fire risks and losses, and  
6 litter control, and imposes an adverse impact on the surrounding  
7 land and water environments.

8 The legislature also finds that the University of Hawaii's  
9 Executive Policy E10.102 prohibits smoking under certain  
10 circumstances, but it does not make all of the premises smoke-  
11 and tobacco-free.

12 The purpose of this Act is to protect University of Hawaii  
13 students, employees, and visitors, from exposure to second-hand  
14 smoke and other potentially harmful substances, as well as  
15 promote positive health practices, by prohibiting smoking,  
16 including the use of electronic smoking devices, and tobacco use  
17 on the University of Hawaii premises.

18 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:

21 **"§304A- Smoking and tobacco use prohibitions on**  
22 **University of Hawaii premises.** (a) The University of Hawaii



1 shall prohibit smoking and tobacco use by any person on the  
2 University of Hawaii premises, to the extent not prohibited by  
3 federal law and regulation. Mere possession or storage of  
4 cigarettes, tobacco products, or an electronic smoking device  
5 for use outside the University of Hawaii premises shall not  
6 constitute a violation of this subsection.

7 (b) The University of Hawaii shall provide tobacco  
8 cessation programs for employees who are interested in  
9 participating; provided that issues relating to the cost of the  
10 program shall be subject to collective bargaining.

11 (c) This section shall not be subject to chapter 328J.  
12 Pursuant to section 89-9(d), the smoking and tobacco use  
13 prohibitions under this section shall not be subject to  
14 collective bargaining.

15 (d) The University of Hawaii shall be responsible for  
16 educating students, employees, and all visitors about the  
17 smoking and tobacco use prohibitions under this section.  
18 Clearly legible signs shall be prominently displayed stating  
19 that "smoking, including smoking of electronic smoking devices,  
20 and tobacco use are prohibited by law" at all premise entrances  
21 and at other conspicuous outdoor locations throughout the  
22 premises.



1        (e) As used in this section:

2        "Cigarette" has the same meaning as in section 486P-1.

3        "Electronic smoking device" means any electronic product  
4 that can be used to simulate smoking in the delivery of nicotine  
5 or other substances to the person inhaling from the device,  
6 including but not limited to an electronic cigarette, electronic  
7 cigar, electronic cigarillo, or electronic pipe, and any  
8 cartridge or other component of the device or related product.

9        The term does not include any product approved by the United  
10 States Food and Drug Administration for use in medical  
11 treatment.

12        "Premises" means all indoor and outdoor areas within the  
13 University of Hawaii property boundary lines.

14        "Smoke" or "smoking" means inhaling or exhaling the fumes  
15 of tobacco or any other plant material, burning or carrying any  
16 lighted smoking equipment for tobacco or any other plant  
17 material, or inhaling or exhaling smoke or vapor from an  
18 electronic smoking device.

19        "Tobacco products" has the same meaning as in section  
20 245-1.

21        "Tobacco use" means the personal use of any tobacco  
22 product, including the use of smokeless tobacco."





1 SECTION 3. Section 89-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) Excluded from the subjects of negotiations are  
4 matters of classification, reclassification, benefits of but not  
5 contributions to the Hawaii employer-union health benefits trust  
6 fund, recruitment, examination, initial pricing, and retirement  
7 benefits except as provided in section 88-8(h). The employer  
8 and the exclusive representative shall not agree to any proposal  
9 which would be inconsistent with the merit principle or the  
10 principle of equal pay for equal work pursuant to section 76-1  
11 or which would interfere with the rights and obligations of a  
12 public employer to:

- 13 (1) Direct employees;
- 14 (2) Determine qualifications, standards for work, and the  
15 nature and contents of examinations;
- 16 (3) Hire, promote, transfer, assign, and retain employees  
17 in positions;
- 18 (4) Suspend, demote, discharge, or take other disciplinary  
19 action against employees for proper cause;
- 20 (5) Relieve an employee from duties because of lack of  
21 work or other legitimate reason;



- 1           (6) Maintain efficiency and productivity, including
- 2                   maximizing the use of advanced technology, in
- 3                   government operations;
- 4           (7) Determine methods, means, and personnel by which the
- 5                   employer's operations are to be conducted; [~~and~~]
- 6           (8) Take such actions as may be necessary to carry out the
- 7                   missions of the employer in cases of emergencies[~~-~~];
- 8                   and
- 9           (9) Prohibit smoking, including the use of electronic
- 10                   smoking devices, and tobacco use on the premises of
- 11                   all facilities owned or operated by the University of
- 12                   Hawaii within the State.

13           This subsection shall not be used to invalidate provisions  
14 of collective bargaining agreements in effect on and after  
15 June 30, 2007, and shall not preclude negotiations over the  
16 procedures and criteria on promotions, transfers, assignments,  
17 demotions, layoffs, suspensions, terminations, discharges, or  
18 other disciplinary actions as a permissive subject of bargaining  
19 during collective bargaining negotiations or negotiations over a  
20 memorandum of agreement, memorandum of understanding, or other  
21 supplemental agreement.



# H.B. NO. 2011

1           Violations of the procedures and criteria so negotiated may  
 2 be subject to the grievance procedure in the collective  
 3 bargaining agreement."

4           SECTION 4. Statutory material to be repealed is bracketed  
 5 and stricken. New statutory material is underscored.

6           SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: Rob A. Belli  
Brian Koferski  
Chris  
Kal Rhoads  
John  
R. J. ...

JAN 17 2014



# H.B. NO. 2077

**Report Title:**

University of Hawaii; Smoking; Tobacco; Electronic Smoking Devices; Prohibitions

**Description:**

Prohibits smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii premises.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





# UNIVERSITY OF HAWAI'I SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Higher Education  
Tuesday, February 4, 2014 at 2:01 p.m.

By

Dr. Joanne Itano  
Interim Executive Vice President for Academic Affairs  
University of Hawai'i

### HB 2077 – RELATING TO PROHIBITIONS ON UNIVERSITY OF HAWAII PREMISES

Chair Choy, Vice Chair Ichiyama, and Members of the House Committee on Higher Education, I am submitting written testimony on behalf of the University of Hawai'i (UH) regarding House Bill 2077 – Relating to Prohibitions on University of Hawai'i Premises which proposes to: 1) amend Chapter 304A and add a new section to prohibit smoking and tobacco use on University of Hawai'i premises; 2) require the university to provide tobacco cessation programs for employees provided that issues relating to the cost of the program shall be subject to collective bargaining; 3) exclude application of chapter 328J, Smoking; 4) require the University to be responsible for educating students, employees and all visitors about the smoking and tobacco use prohibitions under this section, i.e., legible signage at entry and outdoor locations; and 5) amend section 89 (d) to include that the employer and exclusive representative shall not agree to proposals which interfere with the rights and obligations of a public employer to the prohibition of smoking, including the use of electronic smoking devices, and tobacco use on the premises of all facilities owned or operated by the University of Hawai'i within the State. The bill is based on the Legislature's findings that tobacco use is a preventable cause of death; there are concerns regarding the growing popularity of electronic smoking devices; and tobacco use has been prohibited on other campuses in the United States.

The UH supports the initiative and intent to protect University students, employees and visitors from exposure to harmful substances and promote positive health practices. The University would need to further assess the cost of legislatively required tobacco cessation programs for employees.

Thank you for the opportunity to testify on this bill.



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

In reply, please refer to:  
File:

## HOUSE COMMITTEE ON HIGHER EDUCATION

### HB2077, RELATING TO PROHIBITIONS ON UNIVERSITY OF HAWAII PREMISES

Testimony of Gary L. Gill  
Acting Director of Health

February 4, 2014  
2:01pm, Room 309

1 **Department's Position:** The Department of Health (DOH) supports HB2077 which prohibits smoking  
2 including the use of electronic smoking devices and tobacco use on the University of Hawaii premises.  
3 This action would set an example for all institutions of higher education and demonstrate a proactive  
4 investment in the health of future generations.

5 **Fiscal Implications:** None.

6 **Purpose and Justification:** Tobacco use continues to be Hawaii's and the nation's number one cause  
7 of preventable disease and death. Creating tobacco-free college campuses is not only a growing trend in  
8 the United States, but it is considered to be an effective strategy to combat the tobacco use epidemic  
9 today. As the University of Hawaii system of schools is the largest provider of higher education in the  
10 State, encouraging implementation of tobacco-free campuses has the potential to dramatically reduce the  
11 health and economic burdens placed upon our state related to smoking.

12 Although the prevalence of adult smokers has declined, youth and young adults remain the sole  
13 source of "replacement smokers" by the tobacco industry. According to the United States Surgeon  
14 General's report 99% of adult smokers begin smoking before 26; 95% start by the age of 21 years; and  
15 80% try their first cigarette before age 18. Nearly half of adult smokers become regular, daily smokers

*Promoting Lifelong Health & Wellness*

1 before age 18, and more than 75% become regular, daily smokers before they turn 21. This means the  
2 18 to 21 year group is a time when many young smokers transition from experimentation to regular use  
3 of cigarettes.

4 One of the recommended strategies proposed by the Surgeon General to help young adults quit  
5 or never start smoking is to create community norms where seeing people smoke or use other tobacco  
6 products is the exception, rather than the norm.

7 Aggressive measures to curb tobacco marketing to youth and young adults, as well as restricting  
8 access to products, are necessary components of tobacco control. Changing the social norms around the  
9 acceptability of tobacco use are critical to prevention of youth and young adult initiation of smoking.  
10 Establishing official policies to prohibit smoking in environments where young adults explore their  
11 individual identities and establish long lasting behavior patterns can dramatically impact the health of an  
12 entire generation of Americans.

13 Smoke-free college campuses not only impact health, but have broader reaching positive effects.  
14 According to the Centers for Disease Control and Prevention, the benefits of smoke-free campuses  
15 include increased productivity and decreased absenteeism, decreased risk of fire, and decreased  
16 maintenance expense for facilities and grounds in managing related litter.

17 Smoke-free college campuses are a growing trend. As of January 2014, the American  
18 Nonsmokers' Rights Foundation reports that over 800 colleges and universities across the country have  
19 adopted a 100 percent tobacco-free policy which includes electronic smoking devices in the campus-  
20 wide bans. Electronic smoking devices have the potential to attract youth to start using tobacco and  
21 serve as an alternative for current smokers to use in public places where combustible tobacco is  
22 restricted. They also provide opportunities to skirt interventions proven successful at helping people  
23 quit smoking.

24 The DOH supports HB2077 which prohibits smoking, including the use of smoking devices and  
25 tobacco use on the University of Hawaii premises.

1 Thank you for the opportunity to testify.



February 3, 2014

TO: Representative Isaac W. Choy, Chair  
Representative Linda Ichiyama, Vice Chair  
Members, House Committee on Higher Education

RE: H.B. 2077: Relating to prohibitions on University of Hawaii premises – **SUPPORT**

Date: Tuesday, February 4, 2013

Time: 2:01 pm

Place: Conference Room 309

FROM: Stormy Dodge and Blane Garcia

The University of Hawaii Student Health Advisory Council strongly supports the efforts of State of Hawai'i Legislative session 2014, to pass HB2077 and create 100% tobacco-free campuses at the University of Hawai'i (UH).

The Student Health Advisory Council is a student advisory council that plays a pivotal role in the development and implementation of the health policies and programs that impact the UH System campuses. We remain deeply committed to the mission of improving the public health environment concerning tobacco products and we would be excited for all of the UH System campuses to become tobacco-free.

The adoption of campus-wide 100% tobacco-free policies is strongly recommended by the U.S. Surgeon General and by the American College Health Association. In response, hundreds of university campuses across the country have implemented tobacco-free policies. A tobacco-free UH System would discourage all community members from using any form of tobacco, including e-cigarettes, while attending any of the UH campuses, particularly enrolled students. In addition, a tobacco-free UH would promote smoke-free access for people with disabilities, particularly people with respiratory and mobility impairments, and also prepare students for future employment in tobacco-free workplaces.

*Mahalo nui loa*, for your efforts to create a healthier place for thousands of students, faculty and staff to learn and work.

Aloha on behalf of the Student Health Advisory Council,

Stormy Dodge and Blane Garcia, Chairs

2600 Campus Rd #313D  
Honolulu, HI 96822  
Telephone: (808) 956-3574/956-3453  
An Equal Opportunity/Affirmative Action Institution



To: The Honorable Isaac Choy, Chair, Committee on Higher Education  
The Honorable Linda Ichiyama, Vice Chair, Committee on Higher Education  
Members, House Committee on Higher Education  
From: Tiffany Gourley, Policy & Advocacy Director  
Date: January 31, 2014  
Hrg: House Committee on Higher Education; Tues., February 4, 2014 at 9:00 a.m. in Rm 309  
Re: **Support for HB 2077, Relating to Prohibitions on University of Hawaii Premises**

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Thank you for the opportunity to offer testimony in support of HB 2077 which prohibits smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii (UH) premises.

The Coalition for a Tobacco Free Hawaii (Coalition) is a program under the Hawaii Public Health Institute working to reduce tobacco use through education, policy and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts. The Coalition also supports the public through its Smoke-Free Homes Initiative, designed to create smoke-free apartments and condos through voluntary policy adoption.

**The Coalition supports a campus-wide smoke-free and tobacco-free University of Hawaii.**

HB 2077 adds a new HRS section to “prohibit smoking and tobacco use by any person on the University of Hawaii premises.” The U.S. Surgeon General, the U.S. Department of Health and Human Services and the American College Health Association strongly encourage all higher education institutions to support and implement tobacco-free policies. As of January 2, 2014, there are at least 811 colleges and universities that have adopted 100% tobacco-free campus policies with no exemptions. All UH campuses must join them to create learning and work environments that are completely free of tobacco use and second-hand smoke.

Passing these bills will be a unifying step for the UH System campuses by supporting the efforts they have made since the Senate resolution (S.R. 118) was passed in 2013. Since last year’s resolution, many of the campuses, including Kapiolani Community College, UH Manoa, Leeward Community College, UH Hilo, Hawaii Community College, and UH Maui College, have taken great strides toward becoming tobacco-free, and this movement has been supported by students, faculty and staff. For example, the students at UH Maui College have collected over 500 petition signatures in support of a tobacco free campus policy, picked up 15,088 cigarette butts on campus in 1.5 hours during campus clean ups last year, and the student government voted to support a tobacco free policy in November 2013. UH Hilo and some Hawaii Community College classes and programs have also shown interest in a student-led tobacco free policy.

Additionally, smoking and tobacco use contribute to a wide range of institutional costs. These costs include employee and student absenteeism, extensive health care costs and increased medical insurance costs, fire risk, negative environmental impacts, and increased cleaning and



campus maintenance costs. These costs not only have a negative fiscal impact on the University of Hawaii system but also on the State's budget.

**Secondhand smoke has killed 2.5 million Americans and should be eliminated.**

Secondhand smoke is dangerous; the 50<sup>th</sup> Anniversary U.S. Surgeon General Report released on January 17, 2014 states that any level of exposure to secondhand smoke is dangerous and can be harmful and over 2.5 million people have died from secondhand smoke. The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that environmental tobacco smoke (or secondhand smoke) is carcinogenic to humans. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens.

Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces. By passing HB 2077 exposure to secondhand smoke will decrease, creating a healthy environment for the campus and the State.

**Electronic smoking devices, or e-cigarettes, should be included and pose a health risk to UH students.**

Currently unregulated in the US, there is limited information regarding the adverse health effects available to the general public. However, multiple studies have suggested adverse affects associated with the process of "vaping," in which inhaled doses of nicotine are provided by delivering a vaporized mixture of chemicals that the FDA is concerned may contain potentially harmful components. In small sample cartridges from two leading brands, the FDA analyzed the ingredients of ENDS and found detectable levels of known carcinogens and toxic chemicals. Among them was diethylene glycol, a potentially lethal organic compound used in antifreeze, as well nitrosamines, which are associated with cancer. Additional health worries involve the release of aerosols and volatile organic compounds emitted by ENDS, inducing passive vaping.

Thank you for the opportunity to testify on this matter.

Tiffany L. Gourley, esq.  
Policy and Advocacy Director





## COALITION FOR A TOBACCO-FREE HAWAII

### References:

- Center of Disease Control and Prevention (2013). E-cigarette use more than doubles among U.S. middle and high school students from 2011-2012.
- Bartsch, H. & Montesano, R. (1984). Relevance of nitrosamines to human cancer. *Carcinogenesis*, 5(11), 1381-1393.
- Global Smokefree Partnership. (2009). "The Trend Toward Smokefree Outdoor Areas." Accessed from <http://www.globalsmokefree.com/gsp/resources/recurso.php?id=225> on May 6, 2013. Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General, 2012. <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>
- Kuschner, Wg, Reddy, S., Mehrotra, N, Paintal, H.S. Electronic cigarettes and thirdhand tobacco smoke: two emerging health care challenges for the primary care provider. *Int J Gen Med*. 2011;4:115-120. doi: 10.2147/iJGM.s16908.
- Northcoastalpreventioncoalition.org. Accessed 1-30-12014.
- Position Statement on Tobacco on College and University Campuses, American College Health Association, 2011. [http://www.acha.org/Publications/docs/Position\\_Statement\\_on\\_Tobacco\\_Nov2011.pdf](http://www.acha.org/Publications/docs/Position_Statement_on_Tobacco_Nov2011.pdf)
- U.S. Colleges and Universities with Smokefree and Tobacco-Free Policies, American Non-Smokers' Rights Foundation, 2014. <http://www.no-smoke.org/pdf/smokefreecollegesuniversities.pdf>
- U.S. Department of Health and Human Services. (2014). "The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General." Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
- U.S. Department of Health and Human Services Tobacco-free College Campus Initiative, 2013. <http://tobaccofreecampus.org/>
- U.S. Food and Drug administration, Division of Pharmaceutical analysis. evaluation of e-cigarettes. [www.fda.gov/downloads/Drugs/scien-ceResearch/ucM173250.pdf](http://www.fda.gov/downloads/Drugs/scien-ceResearch/ucM173250.pdf). Accessed January 30, 2014
- Wax, PM. elixirs, diluents, and the passage of the 1938 federal food, Drug, and cosmetic act. *Ann Intern Med*. 1995;122;456-461.

**ichiyama2-Fern**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 30, 2014 10:28 PM  
**To:** HEDtestimony  
**Cc:** teresa.parsons@hawaii.edu  
**Subject:** Submitted testimony for HB2077 on Feb 4, 2014 14:20PM

**HB2077**

Submitted on: 1/30/2014

Testimony for HED on Feb 4, 2014 14:20PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: Representatives, Mahalo for this opportunity to testify in STRONG SUPPORT for this measure. As someone who frequents the UH campuses, I am dismayed with cigarette butts littering the grounds, having to move when sitting outside to eat or study due to second hand smoke, and seeing young people developing bad habits. While I understand the highly addictive nature of tobacco and nicotine products, there are numerous support systems to assist people in quitting. As an institution of higher learning, we should be setting the example, not being part of the problem. I appreciate the opportunity to submit testimony in STRONG SUPPORT of this measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Date: February 3, 2014

To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to Prohibitions on University of Hawai'i Premises

Hrg: February 4, 2014 at 2:01 pm in Room 309



Halehuki circa 1940

*'Imi Hale*  
Native Hawaiian Cancer Network  
A Program of Papa Ola Lōkahi

894 Queen Street  
Honolulu HI 96813  
Telephone · 808 526-1700  
Fax · 808 597-6551  
Website: www.imihale.org

'Imi Hale is supported through a cooperative agreement with the National Cancer Institute, Center to Reduce Cancer Health Disparities, (U54CA153459)

*Aloha! Mahalo* for giving me the opportunity to provide a testimony in support of HB 2077, a bill that will prohibit smoking, including the use of electronic smoking devices and tobacco use on the University of Hawai'i (UH) premises. My name is May Rose Dela Cruz and I am a doctoral student at UH's John A. Burns School of Medicine's Department of Public Health Sciences. I am also a community health educator at 'Imi Hale Native Hawaiian Cancer Network, a program of Papa Ola Lōkahi.

I have been a student at UH for almost 10 years, and obtained my undergraduate and graduate degrees here. UH helps to fulfill my academic goals without having to leave Hawai'i, my home. Through the years, I often walk the length of UH's sprawling campus to get to class. Though walking provided me a dose of physical activity, it was a little unhealthy for me, too. I have asthma and I am allergic to cigarette smoke. Smoke automatically triggers an asthma attack, so I must have my inhaler with me at all times – and when I'm at UH, it is often needed. As a devoted student, I would like to see a change in the university to promote a healthy environment for me and for future students, such as my *keiki*.

My youngest daughter is 5 years old and was also a student of UH. She attended the UH Mānoa Children's Center as a preschooler. She's Native Hawaiian, asthmatic, and her *tutu* (grandmother) died of lung cancer. In 'Imi Hale we know the statistics all too well on how smoking and second-hand smoke can increase the risk of lung cancer and other cancers. I wish to have my children have better health outcomes. As a mother and a public health professional, I want my child to be healthy, safe, and protected from unhealthy behaviors. **It is my hope that my *keiki* and Hawai'i's *keiki* will inherit a university that is tobacco-free.**

*Mahalo* for giving me an opportunity to voice my support for a tobacco-free University of Hawai'i.

Aloha,

May Rose I. Dela Cruz, MPH



Date: February 3, 2014

To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to Prohibitions on University of Hawaii Premises

Hrg: February 4, 2014 at 2:01 p.m. in Room 309

Thank you for the opportunity to testify in support of HB 2077. This bill will prohibit smoking, including the use of electronic smoking devices and tobacco use on University of Hawaii (UH) premises.

The U.S. Surgeon General, the U.S. Department of Health and Human Services and the American College Health Association strongly encourage all higher education institutions to support and implement tobacco-free policies. As of January 2, 2014, there are at least 811 colleges and universities that have adopted 100% tobacco-free campus policies with no exemptions. All UH campuses must join them to create learning and work environments that are completely free of tobacco use and second-hand smoke.

Secondhand smoke is dangerous and has killed 2.5 million Americans thus far. Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces.

Electronic smoking devices, also called e-cigarettes, should be included, as they can pose a health risk to UH students. Although e-cigarettes are relatively new, multiple studies have suggested adverse effects associated with the process of “vaping,” in which inhaled doses of nicotine are provided by delivering a vaporized mixture of chemicals that the FDA is concerned may contain potentially harmful components.

In addition to the health concerns, there are financial factors to consider. Smoking and tobacco use contribute to a wide range of institutional costs including extensive health care costs and medical insurance costs and increased cleaning and campus maintenance costs.

Passing this bill would help to support the University administration with its goal of a tobacco-free campus. Thank you for the opportunity to provide testimony in support of this measure.

Noelani Rivers



February 3, 2014

TO: Representative Isaac W. Choy, Chair  
Representative Linda Ichiyama, Vice Chair  
Members, House Committee on Higher Education

RE: H.B. 2077: Relating to prohibitions on University of Hawaii premises—**SUPPORT**

Date: Tuesday, February 4, 2014  
Time: 2:01 pm  
Place: Conference Room 309

FROM: Dorene Murphy

Thank you for the opportunity to testify in support of H.B. 2077. My name is Dorene Murphy, and I am a graduate student at University of Hawaii—Manoa. I am testifying in strong favor of H.B. 2077. This bill will prohibit smoking, including the use of electronic smoking devices and tobacco use on University of Hawaii premises.

I support this bill for the following reasons:

- A tobacco-free policy on-campus will improve the overall learning environment for students, and promote academic success.
- The U.S. Surgeon General, the U.S. Department of Health and Human Services, and the American College Health Association have strongly encouraged all higher education institutions to implement tobacco-free policies.
- As of January 2, 2014, at least 811 colleges and universities have adopted 100% tobacco-free campus policies.
- Secondhand smoke is dangerous and has killed 2.5 million Americans thus far.
- As a student, I would like to protect myself from health risks associated with secondhand smoke.
- University of Hawaii—Manoa students strongly support campus being 100% tobacco-free.

In addition to all the health concerns listed above, there are financial factors to consider. Smoking and tobacco use contribute to a wide range of institutional costs, including extensive health care and insurance costs for employees who smoke, and increased cleaning and campus maintenance costs in areas where individuals smoke.

Passing this bill would help to support the University administration with its goal of a tobacco-free campus. Thank you for your time and attention to this matter, and allowing me to testify in favor of H.B. 2077.

Sincerely,

Dorene Murphy

Date: February 3, 2014

To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to Prohibitions on University of Hawaii Premises

Hrg: February 4, 2014 at 2:01 p.m. in Room 309

Thank you for the opportunity to submit testimony in support of HB 2077. This bill will prohibit smoking, including the use of electronic smoking devices and tobacco use on University of Hawaii (UH) premises.

The U.S. Surgeon General, the U.S. Department of Health and Human Services and the American College Health Association strongly encourage all higher education institutions to support and implement tobacco-free policies. As of January 2, 2014, there are at least 811 colleges and universities that have adopted 100% tobacco-free campus policies with no exemptions. It is important to have all UH campuses join this trend to create environments that are completely free of tobacco use and second-hand smoke. This will greatly discourage many young adults from starting to smoke tobacco and encourage those that already do to either cut down or stop all together.

Secondhand smoke is dangerous and has killed 2.5 million Americans thus far. Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces. As facilities that support the betterment of all through education it is negligent to allow their students to be exposed to such detrimental factors. To ensure complete success of those seeking to better themselves through the pursuit of knowledge, it is imperative that educational facilities enforce healthful practices. Health affects ones' ability to learn, and if poor, hinders the potential for future attainment of goals, personal growth, and success.

Electronic smoking devices, also called e-cigarettes, should be included, as they can pose a health risk to UH students. Although e-cigarettes are relatively new, multiple studies have suggested adverse effects associated with the process of "vaping," in which inhaled doses of nicotine are provided by delivering a vaporized mixture of chemicals that the FDA is concerned may contain potentially harmful components.

In addition to the health concerns, there are financial factors to consider. Smoking and tobacco use contribute to a wide range of institutional costs including extensive health care costs and medical insurance costs and increased cleaning and campus maintenance costs.

I am currently a senior at the University of Hawaii at Hilo. During my freshmen year of college, I was away at a mainland school. The combined stress of making new friends, adapting to a new environment, and missing my family caused me to seek out ways to relieve stress. Since most of my peers used tobacco I picked up the habit quickly. Not only did smoking provide a distraction from my stress, it opened up a social gateway that made approaching people easier. I smoked regularly for my first year of college. Fortunately, my body reacted quickly to the harmful effects of tobacco and I was forced to quit early due to the decline of my health. While I am thankful that I only gave one year of my life to tobacco, I would have preferred to be a proud never-smoker. I am convinced that if my peers had not been smoking around me so frequently, I would have never picked up the habit. If my college had been a tobacco-free campus, my exposure would have been minimal and I would have never lost that year to tobacco. I am just thankful that I did not lose my life to it.

Passing this bill would help to support the University administration with its goal of a tobacco-free campus. Thank you for the opportunity to provide testimony in support of this measure.

Sincerely,

Mariah Wharton,  
Nursing student at the University of Hawaii at Hilo

Allison Seales, Ph.D.  
P.O. Box 1777  
Kaunakakai, HI 96748

Date: February 3, 2014  
To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to Prohibitions on University of Hawaii Premises

Hrg: February 4, 2014 at 2:01 p.m. in Room 309

Thank you for the opportunity to testify in support of HB 2077. This bill will prohibit smoking, including the use of electronic smoking devices and tobacco use on University of Hawaii (UH) premises.

The U.S. Surgeon General, the U.S. Department of Health and Human Services and the American College Health Association strongly encourage all higher education institutions to support and implement tobacco-free policies. As of January 2, 2014, there are at least 811 colleges and universities that have adopted 100% tobacco-free campus policies with no exemptions. All UH campuses must join them to create learning and work environments that are completely free of tobacco use and second-hand smoke.

Secondhand smoke is dangerous and has killed 2.5 million Americans thus far. Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces.

Electronic smoking devices, also called e-cigarettes, should be included, as they can pose a health risk to UH students. Although e-cigarettes are relatively new, multiple studies have suggested adverse effects associated with the process of "vaping," in which inhaled doses of nicotine are provided by delivering a vaporized mixture of chemicals that the FDA is concerned may contain potentially harmful components.

In addition to the health concerns, there are financial factors to consider. Smoking and tobacco use contribute to a wide range of institutional costs including extensive health care costs and medical insurance costs and increased cleaning and campus maintenance costs.

Passing this bill would help to support the University administration with its goal of a tobacco-free campus. Thank you for the opportunity to provide testimony in support of this measure.

Allison Seales, Ph.D.  
Licensed Clinical Psychologist

Date: February 3, 2014

To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to Prohibitions on University of Hawaii Premises

Hrg: February 4, 2014 at 2:01 p.m. in Room 309

My name is Casey Jones and I am a graduate student at the University of Hawai'i. Thank you for this opportunity to support bill HB 2077. This bill will prohibit smoking, and the use of electronic smoking devices on the public campus of the University of Hawaii (UH). Enacting this policy will help prevent carcinogenic secondhand smoke inhalation and lung cancer for non-smoking individuals on state property.

I walk throughout the University of Hawaii campus each day passing between several buildings and offices while attending classes and completing my daily duties. Daily I am irritated and distracted by secondhand smoke and vapor from both cigarettes and electronic cigarettes.

There are several locations where faculty, students, guests and staff gather to smoke on campus regularly creating an unsafe walkway environment in public for students who are making efforts to improve their quality of life. Creating a safe smoke-free environment throughout the campus will encourage students to want to continue to attend this institution.

Here at the University of Hawai'i we take pride in connecting with the local community. Every weekend and throughout the year, there are several community events and activities that invite small children, older adults, and families from the community how can be severely impacted by second hand smoke and deterred from these events.

Passing this bill will enhance the mission of the University of Hawai'i and the mission of our state to improve public health and well-being of its people and culture. Smoking is not a Hawaiian tradition.

Casey A. Jones, Graduate Student/University of Hawai'i at Manoa

**ichiyama2-Fern**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 03, 2014 2:07 PM  
**To:** HEDtestimony  
**Cc:** hbonmaui@gmail.com  
**Subject:** Submitted testimony for HB2077 on Feb 4, 2014 14:01PM

**HB2077**

Submitted on: 2/3/2014

Testimony for HED on Feb 4, 2014 14:01PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Helen	Individual	Support	No

Comments: Please kokua and PASS HB2077 that would prohibit smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii premises. Too many are suffering from second hand smoke exposure and could relapse when they are trying to quit ! Mahalo nui loa ,Helen

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**LATE**

Date: February 4, 2014

**Board of Directors**

To: Representative Isaac Choy, Chair  
Representative Linda Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: Support for HB 2077: Relating to prohibitions on University of Hawaii Premises (hearing scheduled February 4, 2014 at 2:01 pm in Room 309)

John Coefield  
Montana

Mike Fenello  
Idaho

Patty Ginsburg  
Alaska  
Chair Elect

Virginia Hall  
Oregon

Don Lojek  
Idaho

Robert Merchant, MD  
Montana

Tad Seder  
Washington  
Secretary

Sterling Yee  
Hawaii  
Treasurer

Ted Zurcher  
Oregon  
Chair

Renée Klein  
President and CEO

Thank you for the opportunity to provide support for HB 2077. I serve as the Hawaii director for the American Lung Association of the Mountain Pacific. Our mission is to save lives by improving lung health and preventing lung disease. We support the inclusion of electronic smoking devices in policies prohibiting smoking in public places. This legislation will prohibit smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii premises.

There is no evidence that shows the vapors emitted by electronic smoking devices are safe for non-users to inhale. The use of electronic smoking devices in public places and workplaces may complicate efforts to enforce and comply with smokefree laws.

Two studies have found formaldehyde, benzene and tobacco-specific nitrosamines (a cancer-causing chemical) coming from the secondhand emissions from electronic smoking devices. While we have a lot more to learn about these products, it's clear that there is much to be concerned about and there's much more than just 'water vapor' in these products.

Electronic smoking devices, also called e-cigarettes, should be included in smokefree policies because of the potential health risk to our public health.

Thank you for the opportunity to provide support for this measure.

Kim Nguyen, MSW



Hawaii Director

American Lung Association of the Mountain Pacific

**Fighting for Air**

ALA in Alaska  
500 W. Int'l Airport Rd. # A  
Anchorage, AK 99518  
(907) 276-5864

ALA in Hawaii  
810 Richards St., #750  
Honolulu, HI 96813  
(808) 537-5966

ALA in Idaho  
1412 W. Idaho St, #100.  
Boise, ID 83702-5255  
(208) 345-5864

ALA in Montana  
3919 Heritage Way  
Missoula, MT 59802  
(406) 728-0368

ALA in Oregon  
7420 SW Bridgeport Rd, #200  
Tigard, OR 97224  
(503) 924-4094

ALA in Washington  
822 John St  
Seattle, WA 98109  
206-441-5100

Date: February 3, 2014



To: Representative Isaac Choy, Chair  
Representative Ichiyama, Vice Chair  
Members, House Committee on Higher Education

Re: **Support for HB 2077: Relating to Prohibitions on University of Hawaii Premises**

Hrg: February 4, 2014 at 2:01 p.m. in Room 309

Thank you for the opportunity to testimony in support of HB 2077. This bill will prohibit smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii (UH) premises.

The U.S. Surgeon General, the U.S. Department of Health and Human Services and the American College Health Association strongly encourage all higher education institutions to support and implement tobacco-free policies. As of January 2, 2014, there are at least 811 colleges and universities that have adopted 100% tobacco-free campus policies with no exemptions. All UH campuses must join them to create learning and work environments that are completely free of tobacco use and second-hand smoke.

Secondhand smoke is dangerous and has killed 2.5 million Americans thus far. Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces.

Electronic smoking devices, also called e-cigarettes, should be included, as they can pose a health risk to UH students. The FDA is concerned about, and currently researching, potentially harmful chemicals in the vapor produced by these devices. Information on long-term safety for users, and those in their proximity, is also currently lacking.

In addition to the health concerns, there are financial factors to consider. Smoking and tobacco use contribute to a wide range of institutional costs including extensive health care costs and medical insurance costs and increased cleaning and campus maintenance costs.

Passing this bill will help support the University administration with its goal of tobacco-free facilities, and promote the health and welfare of UH students, staff and faculty.

Thank you for the opportunity to provide testimony in support of this measure.

Forrest Batz, PharmD  
Assistant Professor, Department of Pharmacy Practice  
The Daniel K Inouye College of Pharmacy  
University of Hawaii at Hilo





Testimony in SUPPORT of HB 2077,  
"Relating to Prohibitions on University of Hawaii Premises"

**LATE TESTIMONY**

The American Heart Association strongly supports HB 2077, "Relating to Prohibitions on University of Hawaii Premises"

The American Heart Association is dedicated to supporting state and local action to protect the public from the dire effects of tobacco. As you are undoubtedly aware, tobacco use is one of the leading preventable risk factors for cardiovascular diseases. As we've learned through our policy efforts to restrict smoking in public and work places, such policies not only reduce exposure to non-smokers of deadly environmental tobacco smoke, but also have the added benefit of changing the public norms regarding tobacco use. The University of Hawaii's decision to eliminate tobacco use on its campuses will further send the clear message to its community that tobacco use is no longer encouraged in our society, and help support those who continue to use tobacco, but want to quit, to achieve the goal of cessation.

Serving Hawaii since 1948

**Mission Statement:**  
"Building healthier lives, free of cardiovascular diseases and stroke."

For more information on the AHA's educational or research programs, visit [www.heart.org](http://www.heart.org) or contact your nearest AHA office.

Oahu:  
677 Ala Moana Blvd., Ste. 600  
Honolulu, HI 96813  
Office: (808) 538-7021  
Fax: (808) 538-3443

Maui:  
Office: (808) 244-7185  
Fax: (808) 538-3443

Hilo:  
Office: (808) 282-3107  
Fax: (808) 538-3443

Kauai:  
Serviced by the Oahu office.

The proposed tobacco-free policy also further solidifies the University's John A. Burns School of Medicine as a leader in health for Hawaii.

The American Heart Association encourages legislators to support this strong health policy.

Sincerely yours,

Ralph V. Shohet, M.D.  
Cardiologist and Researcher  
Volunteer, American Heart Association Hawaii Division

"Building healthier lives,  
free of cardiovascular  
diseases and stroke."

Please remember the American Heart Association in your will.





**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Seventh Legislature, State of Hawaii  
House of Representatives  
Committee on Higher Education

**LATE**

Testimony by  
Hawaii Government Employees Association  
February 4, 2014

H.B. 2077 – RELATING TO PROHIBITIONS  
ON UNIVERSITY OF HAWAII PREMISES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of H.B. 2077, which prohibits smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii premises. However, we do not believe there is an urgent need to amend existing statutes, especially Chapter 89, Hawaii Revised Statutes, in order to implement a tobacco free environment on University of Hawaii campuses.

Since the passage of S.C.R. 161 and S.R. 118 in 2013, the University of Hawaii has actively begun the process to implement a tobacco free environment on various campuses statewide. Through meaningful consultation, the HGEA as the exclusive representative, in concert with the University of Hawaii system, have discussed our concerns regarding the implementation and enforcement of a tobacco free policy and are pleased to report that we are making significant progress on this important health policy issue.

During the ongoing consultation process, we are seeking the most effective ways to support employees who need to adjust their lifestyle in order to abide by the no smoking policy. While we support the intent of this legislation, we believe the current consultation process is an effective means of implementing the tobacco free policy and it is therefore unnecessary to amend either Section 304A, HRS or Section 89-9 (d), HRS.

Therefore, we respectfully suggest that the bill be deferred.

Respectfully submitted,

Randy Perreira  
Executive Director

**Testimony of Professor Mark A. Levin in strong support for HB 2077**

**RELATING TO PROHIBITIONS ON UNIVERSITY OF HAWAII PREMISES  
House Committee on Higher Education  
February 4, 2014**

**LATE**

*Chair Choy, Vice-Chair Ichiyama, and members of the Committee on Higher Education:*

Aloha. My name is Mark Levin. I am a Professor at the William S. Richardson School of Law. My testimony is based on nearly twenty years of engagement with tobacco control law and policy locally and globally. Among my activities in this field, I have published in leading journals and worked as a temporary advisor on tobacco control policy for the World Health Organization. Locally, I have served on the Hawai'i State Tobacco Prevention and Control Trust Fund Advisory Board and volunteered for many other tobacco control related roles.

I am also the principal author of the University of Hawai'i Executive Policy E10.102 on Tobacco Products, established by President Evan Dobbelle in January 2003, which is essentially identical to the current policy established in April 2012.

When I drafted a proposed revision for Executive Policy E10.102 for President Dobbelle in December 2002, the University's policy was woefully out of date. We made a significant step forward with the policy change then and it has substantially improved the learning and working environment on our state's university campuses. I am proud to have been a part of that initiative, working closely then with many others in the administration, faculty, staff, and students.

Unfortunately, over ten years have passed since Executive Policy E10.102 was last meaningfully revised. We have once again fallen behind the times, now not only for incendiary cigarettes, but also the newer addictive vapor devices.

United States Assistant Secretary for Health, Dr. Howard Koh, launched on September 12, 2012, the national Tobacco-Free College Campus Initiative. Moreover, according to the American Nonsmokers' Rights Foundation listing last revised January 2, 2014, the count is now 811 colleges and universities in the United States already prohibit smoking and all forms of tobacco use everywhere on campus with no exceptions. These including the University of Arkansas, all universities in the University of California system, the University of Florida, the University of Guam, the University of Kentucky, the University of Massachusetts - Amherst, the University of Michigan, the University of Montana, the University of North Dakota, all public universities in the state of Oklahoma (by law), and the

University of Oregon. And of course, our legislature has already ensured that all K-12 public schools in Hawai'i are tobacco-free.

Tobacco-free campus policies not only benefit public health aims. They reduce numerous fiscal burdens for the university administration and alleviate the campus' impacts on surrounding land and water environments. In this regard, a tobacco-free policy would further the mission of the University of Hawai'i system to "ensure the survival of present and future generations with improvement in the quality of life," support core values concerning *malama 'aina* sustainability, and represent sound financial resource stewardship.

In conclusion, *because the current policy at UH is out of date, unpopular, and unwise*, important constituencies have expressed their support for tobacco-free campuses including the Associated Students of the University of Hawai'i at Mānoa and the Mānoa Faculty Senate. As the University of Hawai'i is an instrument of our State's Executive Branch, it amply suits your legislative responsibility to take action for policy revision and effective policy implementation which HB 2077 wisely represents.

*Mahalo.*

Professor Mark A. Levin  
The William S. Richardson School of Law  
The University of Hawai'i at Mānoa  
2515 Dole St., Honolulu, HI 96822  
Tel: 1-808-956-3302

Affiliations are given for identification purposes only. Opinions presented here are personal views and not the official views of the University of Hawai'i or any other organization or entity.