

House of Representatives Testimony
Committee on Consumer Protection & Commerce

LATE

To: Representative Angus L.K. McKelvey, Chair
Representative Derek S.K. Kawakami, Vice Chair
Members, House Committee on Consumer Protection &
Commerce

and

To: Rep. Karl Rhoads, Chair
Rep. Sharon E. Har, Vice Chair
Members of the House Committee on Judiciary

Re: Strong Support for SB 642, HD1: Relating to Health

Hrg: March 25, 2013 at 2:20 pm in Conf. Rm. 325

I am in strong support of SB 642, HD 1, Part 1 requiring all retailers to sell all tobacco products, especially the colorfully packaged and appealing other tobacco products (OTPs), in a direct, face-to-face exchange--in the same manner that cigarettes are sold. If OTPs are sold only through a direct, face-to-face exchange, there will be less influence by the tobacco industry on Hawaii's youth. This is a cutting-edge approach to reduce youth access to tobacco and to lower youth tobacco use rates.

Other Tobacco Products or OTPs are usually located on the counter at the point of sale in most convenience stores, where they are easily accessible. The colorful packaging and various candy flavors of other tobacco products attract youth, which can have lasting health effects--from encouraging youth to try tobacco products for the first time to continuing or increasing an existing habit. OTPs should be sold only through a face-to-face exchange with the retailer, like cigarettes.

Tobacco products, regardless of form, are still the leading cause of preventable disease. We can address this public health issue by making sure youth never start smoking, and ensuring that tobacco users have every opportunity to quit. Requiring that all tobacco products be sold through a face-to-face exchange with the retailer is a critical step in our tobacco prevention and control efforts.

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

Beau Lani Barker
613 Iliaina St
Kailua, HI 96734

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Re: Strong support for SB 642, HD1: Relating to Health

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I, Dawn L. Hunt, am in strong support of SB 642, HD 1, Part 1 requiring all retailers to sell all tobacco products, especially the colorfully packaged and appealing other tobacco products (OTPs), in a direct, face-to-face exchange--in the same manner that cigarettes are sold. If OTPs are sold only through a direct, face-to-face exchange, there will be less influence by the tobacco industry on Hawaii's youth. This is a cutting-edge approach to reduce youth access to tobacco and to lower youth tobacco use rates.

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

Sincerely,
Dawn L. Hunt

Dawn Hunt
47 188 A Hui Akepa Pl
Kaneohe, HI 96744



LATE

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

In reply, please refer to:
File:

HOUSE COMMITTEES ON CONSUMER PROTECTION & COMMERCE AND
JUDICIARY

SB0642HD1, RELATING TO HEALTH

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

March 25, 2013
2:20PM, Room 325

1 **Department's Position:** The Department of Health (DOH) supports Part I of SB0642HD1 as it requires
2 cigarettes and tobacco products to be placed in locations within a store that are inaccessible to youth.
3 However the DOH recommends clarifying language relating to product placement that will mirror the
4 Family Smoking Prevention and Tobacco Control Act of 2009. The DOH defers to the Office of the
5 Attorney General on the legal issues relating to non-tobacco products in Part II.

6 **Fiscal Implications:** None.

7 **Purpose and Justification:** The DOH proposes language to mirror the U.S. Food and Drug
8 Administration by replacing language in Section 2 of the bill (page 2, lines 16-22 and page 3, lines 1-3)
9 by inserting: "Except as otherwise provided under this section, a retailer may sell cigarettes, smokeless
10 tobacco, and all other tobacco products only in a direct, face-to-face exchange between the retailer and
11 the consumer. Examples of methods of sale that are not permitted include vending machines and self-
12 service displays."

13 Smoking and tobacco use remain Hawaii's and the nation's leading cause of preventable
14 morbidity and mortality. As reported by the Campaign for Tobacco-Free Kids, in Hawaii there are over

1 1,100 deaths each year attributed to a tobacco-related illness costing approximately \$336 million in
2 medical and health care costs. Each year approximately 1,500 Hawaii youth become new daily smokers.
3 The tobacco companies spend more than \$42 million annually in Hawaii on advertising, marketing, and
4 promotions to attract 'replacement smokers.'

5 Numerous reports, particularly a longitudinal study published in the journal, *Pediatrics*, 2010,
6 have established that there is a clear relationship between advertising/promotion and increased tobacco
7 use particularly among youth. Because of restrictions on mass media ads in the Master Settlement
8 Agreement, the tobacco companies have now made commercial storefronts and points-of-sale the new
9 venue for advertising their tobacco products, providing financial incentives to retail stores for product
10 placement. Studies show that tobacco marketing has more power to influence youth to smoke than peer
11 pressure or parental smoking.

12 The 2011 Hawaii Youth Tobacco Survey indicated that over 75% of high school students and
13 over 71% of middle school students reported seeing tobacco product ads at local stores and gas stations.
14 In 2008, the Tobacco and Alcohol Advertising Survey found that 44% of stores surveyed in Hawaii had
15 tobacco products placed by the chips and candy and 62% had tobacco products at the eye- level of
16 children (3 feet or less).

17 The DOH recognizes that prohibiting self-service displays where the customer has direct access
18 to tobacco products is a realistic action to discourage tobacco company products at point-of-sale. This
19 measure would reduce consumer, and specifically youth, exposure to and impulse purchases of these
20 products. Smokers who are attempting to quit believe that these restrictions can support their cessation
21 efforts. By limiting the placement of tobacco products in retail stores, this policy can help prevent a new
22 generation of youth in Hawaii from being influenced to start smoking and support people in quitting
23 tobacco.

24 Thank you for the opportunity to testify on this measure.