



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**  
SENATE BILL NO. 642, RELATING TO HEALTH.

**BEFORE THE:**  
HOUSE COMMITTEE ON HEALTH

**DATE:** Friday, March 15, 2013 **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Blair Goto, Deputy Attorney General, or  
Earl R. Hoke, Jr., Deputy Attorney General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill in trying to reduce the number of youth who use tobacco products. However, we oppose the bill for practical reasons.

The purpose of this bill is to add a new section to chapter 328J, Hawaii Revised Statutes, that would require that cigarettes or tobacco products be stored for sale behind a counter in an area accessible only to employees of the business.

We are concerned that the new section to be added to chapter 328J, Hawaii Revised Statutes (HRS), contained in section 2 of this bill on pages 2-3, lines 10-20 and lines 1-3, will adversely impact the ability of the Tobacco Enforcement Unit of the Department of the Attorney General to ascertain whether cigarettes are properly stamped with tax stamps and whether cigarettes are approved for sale in the State of Hawaii. Historically, those who wished to evade the payment of cigarette taxes often stored the noncompliant product in back areas or under counters that were not readily visible to those tasked with investigating contraband cigarette sales. By requiring that cigarettes and tobacco products that are for sale be stored behind a counter accessible only to the personnel of the business, this new section will, unintentionally, facilitate the sale of untaxed, contraband cigarettes.

The State has a substantial interest in collecting taxes on tobacco products and cigarettes. In 2000, the Hawaii State Legislature enacted the Hawaii tobacco tax stamp program and found that "a mandatory cigarette tax stamp system is vital to enhance the State's collection of cigarette

and tobacco taxes” as the existing enforcement system of collecting tobacco and cigarette taxes in place at the time was “sporadic, haphazard, and ineffective.” Conf. Comm. Rep. No. 98, 2000 Senate Journal at 776, 2000, House Journal at 898. Moreover, the Legislature found the enforcement provisions of section 245-9, HRS, were necessary to effect the goals of the statute. Id. In 2002, the Legislature found that making the tax stamp law permanent and granting the Department of Taxation and the Department of the Attorney General “wider authority to inspect the operations and premises of entities involved in cigarette sales” would greatly support efforts to enforce the cigarette tax stamp laws. Sen. Stand. Comm. Rep. No. 3031, 2002 Senate Journal at 1454 and Sen. Stand. Comm. Rep. No. 3553, 2002 Senate Journal at 1676-1677. There are ample findings in the legislative history that Hawaii has a substantial government interest in an effective regulatory scheme involving tobacco and cigarette taxes.

Accordingly, due to the enforcement issues with section 2 of this bill, we respectfully ask the Committee to hold this bill.



**ABC STORES**

766 Pohukaina Street  
Honolulu, Hawaii 96813-5391  
[www.abcstores.com](http://www.abcstores.com)

Telephone: (808) 591-2550  
Fax: (808) 591-2039  
E-mail: [mail@abcstores.com](mailto:mail@abcstores.com)

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**TESTIMONY  
SENATE COMMITTEE ON HEALTH  
SB 642 – Relating to Health  
Friday, March 15, 2013, 8:30a  
Conference Room 329  
State Capitol**

March 13, 2013

To: Representatives Della Au Belatti, Chair and Dee Morikawa, Vice Chair and Committee Members:

**ABC Stores OPPOSES Senate Bill 642, Relating to Health.**

My name is Paul Kosasa, President and CEO of ABC Stores, a local company doing business in Hawaii for over 60 years, with 50+ stores statewide.

We agree that tobacco products are a health concern and illegal for minors. Thus, is it illegal for any retailer that sells tobacco products to sell to anyone under the age of 18. There are laws in effect that properly enforce this. Statistics show that programs that educate children prevent tobacco use.

*"The overall impact of tobacco on the lives of Hawaii's youth has declined from 2000 to 2011. Fewer teens have experimented with using any form of tobacco and fewer teens are current smokers. Tobacco use, especially cigarette use, has declined dramatically as has exposure to secondhand smoke."  
Source: 2011 Hawai'i Youth Tobacco Survey (YTS) and Comparisons with Prior Years, Hawaii State Department of Health May 2012.*

Enacting legislation to regulate how retailers are to locate particular products and advertise legal products is disturbing. If lawmakers feel that a ten year old is unable to distinguish right from wrong, unable to take personal responsibility for their own well-being and decision-making, then I must conclude that our parenting and teachers are failing our children. Moreover, minors obtain cigarettes from adults, not retailers.

In our stores, we keep cigarettes behind our checkout counters. However, cigars are considered specialty items that need to be placed up front and in view for our customers. If cigars are required to be placed behind the checkout counters, we will definitely see a decrease in sales, resulting in the possible closure of local businesses such as Kauai Cigars.

Educating our keiki on the causal effects of cigarettes and tobacco products should start at home and in schools. The tobacco settlement money funds many non-profit organizations to educate and increase awareness of the harmfulness of tobacco-related products. Added legislation is not the solution.

Thank you for your consideration and the opportunity to submit testimony on this bill.

  
600 PAUL KOSASA  
President & CEO



February 12, 2013

Dear Representative Belatti and Members of the House Committee on Health,

The Kauai Cigar Company, and its supporting businesses and consumers are concerned about the negative impact that SB642 could have on our ability to retail our Hawaii grown cigars to legal age adults in the State. While the Kauai Cigar Company fully supports any measure that will deter youth access to tobacco products, including premium cigars, we feel strongly that restricting access to our cigars by placing them behind a service counter will negatively impact our business, and the many small sundry, wine, and golf shops that retail our product. Youth are not attracted to purchasing, or using premium cigars.

The Kauai Cigar Company is also worried about our customers losing the valuable experience and pleasure of choosing a cigar, before they spend between ten to twenty dollars to purchase one. Part of the process of buying and appreciating a premium cigar is learning about the origin of the leaf, the growing techniques, inspecting the wrapper, smelling, touching, and discussing the nuances of taste with staff. In addition, and because the majority of our cigars are either encased in wood, or sold out of free standing floor or counter top humidors that are kept under lock and key, locating these displays behind a service counter would create a logistical nightmare for many of the space constrained tourist oriented stores that in some instances are less than 25 feet wide.

If this bill is enacted, there will be a negative impact on our retailers, and ultimately on our farm and employees who work hard to produce these premium cigars. It would also further encourage the black market sale of cigars in the State of Hawaii, as legitimate cigar retailers would be forced to remove cigars from their normal inventory as a result of loss of sales from poor product placement.

While not perfect, there was a 4.3% rate of illegal sales to minors last year in the State of Hawaii, and because we monitor the retail license status, and compliance to age law with all stores selling Kauai Cigars, we are convinced that, in 2012, not one of our nearly 150 stores was cited for an underage sale of one of our premium Kauai cigars.

We kindly ask the State Legislature to amend this bill in a way to not harm the sale of premium cigars to legal age adults in Hawaii.

Sincerely,

Les Drent  
President

Tai Erum  
Operations Manager

Jason Strand  
Farm Manager

Trevyn Pless  
Assistant Farm Manager

For Company Representatives: Elaine Dalistan, Lei Hiyashi,  
Justin Viezbicke, Nancie Bean



## Examples of Store Displays

Single cello wrapped cigars are sold from humidors only, and are under lock and key.



Kauai Cigar Company • 6200B Kawaihau Road, Kapaa, HI 96746 USA  
Phone: 808-822-4495 • Fax: 808-822-9731 • [www.kauaicigar.com](http://www.kauaicigar.com)

# hawaiiCigar

ASSOCIATION

February 12, 2013

Dear Representative Belatti, and Members of the House Committee on Health,

The Hawaii Cigar Association (HCA), and its supporting businesses and consumers are concerned about the negative impact that SB642 would have on our ability to retail premium cigars to legal age adults in the State.

We feel strongly that restricting access to premium cigars will negatively impact small business revenue in Hawaii, and ultimately lead to more black market, and mail order sales coming into the State of Hawaii. The result would be a continuing loss of tax revenue for the State. It would also be a serious detractor for cigar consumers who enjoy the process of selecting a fine cigar.

The HCA kindly asks that you amend the bill in a way that will not harm the premium cigar industry, which in no way targets youth consumers, or lures children into the use of premium cigars through advertising or marketing.

The HCA stands united with the Committee on Health to ensure that the children of Hawaii remain apart from any influence that could encourage them to use tobacco of any kind, including premium cigars. Certainly there must be another solution that would not bring harm to premium cigars and how they are sold.

Sincerely,



Les Drent  
for Hawaii Cigar Association

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 7:48 AM  
**To:** HLTtestimony  
**Cc:** Info@swamwine.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**Follow Up Flag:** Follow up  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jill Shiroma	SWAM	Oppose	No

**Comments:**

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.

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To: Representative Della Au Belatti, Chair, Committee on Health  
Representative Maile Shimabukuro, Vice Chair, Committee on Health  
Members, House Committee on Health

Re: Strong Support for SB 642, Relating to Health  
Committee on Health  
Hearing; March 15<sup>th</sup>, 2013 at 8:30am; Room 329

Hello.

My name is Alize Canoy. I am a 7<sup>th</sup> grader at Ewa Makai Middle School. I am in support of SB 642.

I want stores to put tobacco products behind the countertops because right now there are a lot of tobacco products right there where kids are looking at them and that makes kids think that using tobacco is okay.

Please consider my testimony.

Sincerely,

Alize Canoy  
[Alize.canoy@gmail.com](mailto:Alize.canoy@gmail.com)



**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 7:10 AM  
**To:** HLTtestimony  
**Cc:** russkarla@hotmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Russel Moore	Individual	Comments Only	No

Comments: I'm against placing Cigars behind the store counter. Premium Cigars are normally in locked Cabinets already and need to be viewed to select a proper purchase.

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March 13, 2013

SB642

Dear Legislators,

While this bill may have been drafted with the best intentions, it is very unrealistic and not relevant to the day-to-day operation of a high-end cigar shop. Most of the products sold in a shop such as this would fall under the proposed restrictions. To require that all of the products be stocked behind the sales counter and accessible only by the shop employees would be akin to having a service/sales counter at the entrance to every Costco and runners would fetch your requested items...if you knew exactly what you wanted. No more browsing; no more perusal; no more shopping. You might say "that's OK, that's how it's done at a pharmacy". The access to prescription based items IS handled that way. The over-the-counter items, with rare exceptions, are stocked on the sales floor for the customers to shop and compare. Cigars are not sold by prescription. Please take the time to visit a premium cigar shop, such as Tobaccos of Hawaii on Atkinson Drive or Cigar! Cigar! on King Street to see how things are done and the steps they take to prevent sales to minors.

Sincerely,

Raymond Wong  
(808) 538-3522

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:26 AM  
**To:** HLTtestimony  
**Cc:** andy@tatuajecigars.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andy Anderson	Individual	Oppose	No

**Comments:**

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:13 AM  
**To:** HLTtestimony  
**Cc:** stog76@yahoo.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**Follow Up Flag:** Follow up  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Chong	Individual	Oppose	No

Comments: I strongly oppose this bill as it unfairly lumps in premium cigars in with cigarettes and other tobacco products. Premium cigars, by nature, are properly kept in a cabinet, humidor, or some other humidified storage unit. These units are normally locked and provide "protection" from children in compliance with the intention of this bill. Premium cigars should not be included and excluded from this legislation.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 7:31 PM  
**To:** HLTtestimony  
**Cc:** makule@maui.net  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Medeiros	Individual	Oppose	No

Comments: While I support restricting the use of these products by minors, the placement of these products behind the counter may not be feasible for every business in every situation. Certainly, there are not similar rules for other adult-only products, such as alcoholic beverages. I would suggest allowing businesses the flexibility to provide for a secure location, such as a locked glass cabinet or a secured area, to restrict access by minors.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 12:49 PM  
**To:** HLTtestimony  
**Cc:** charles.bischoff@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Bischoff	Individual	Oppose	No

Comments: I vehemently oppose SB642. I'm a cigar smoker and one of the major enjoyments of smoking cigars is the ability to go into the cigar shop and choose from an open, to the public, cigar case or shelf the cigar that I choose for that day. If these cigars are not in view and freely picked by me I'm sure I would be coming less to this store. I know many cigar smokers feel the same way. So this place of business will suffer and it wouldn't surprise me to see it eventually shut down for loss of business.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:27 AM  
**To:** HLTtestimony  
**Cc:** chris@donaflo.usa.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher Edge	Individual	Oppose	No

Comments: Good Morning America this morning posted a story about Visine eye drops being used to poison a boyfriend. The story stated that this happens over 15,000 times per year. Are you now going to outlaw Visine eye Drops. Your intentions and your execution are not aligned. Children do not smoke premium cigars and they are not visiting humidors. You can do better at proposing proper legislation than you have with this .

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:47 AM  
**To:** HLTtestimony  
**Cc:** chipgoldeen@att.net  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chip Goldeen	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:45 AM  
**To:** HLTtestimony  
**Cc:** dmiyahira@hawaii.rr.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Miyahira	Individual	Oppose	No

Comments: I oppose this bill. Hawaii's small businesses, especially the few cigar retailers, rely on being able to display their product for their customers to inspect. Cigar manufacturers do not market to children and our local retailers do not sell to anyone under the age of 18. It forces businesses to conduct their business like that of online retailers where only pictures of the product can be viewed. This bill, if enacted, it will no doubt drive consumers to online retailers where they avoid taxes, lessening Hawaii's ability to increase tax revenue and more importantly driving business away from Hawaii's small businesses.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 8:25 AM  
**To:** HLTtestimony  
**Cc:** jrowine@aol.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Duane Osato	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 7:46 AM  
**To:** HLTtestimony  
**Cc:** DEWare@aol.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**Follow Up Flag:** Follow up  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana E. Ware	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 11:52 PM  
**To:** HLTtestimony  
**Cc:** Dyoshida@hhs-l.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Yoshida	Individual	Oppose	No

**Comments:**

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 7:31 AM  
**To:** HLTtestimony  
**Cc:** Eddie.fernandez@cummins.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eddie Fernandez	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 9:35 PM  
**To:** HLTtestimony  
**Cc:** edmorita@me.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Morita	Individual	Oppose	No

**Comments:**

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 4:03 AM  
**To:** HLTtestimony  
**Cc:** Ernestwearren@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ernest Wearren	Individual	Oppose	No

Comments: This measure does not protect children as most cigar displays in premium cigars shops are already locked and require a store rep to unlock them. The only thing this will do is hurt the small business owners by driving up their cost and sending buyers to the Internet. Hawaii needs the business and jobs created by cigar shops. Please do not pass this bill and save Hawaiian jobs!  
Mahalo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 6:45 AM  
**To:** HLTtestimony  
**Cc:** glen\_gieser@yahoo.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glen Gieser	Individual	Oppose	No

**Comments:**

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**morikawa2 - Shaun**

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gabriel Lewis	Individual	Oppose	No

**Comments:**

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**To:** HLTtestimony  
**Cc:** gunch23@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gunther Weamire	Individual	Oppose	No

Comments: I would request that you do not pass this bill. I feel that being able to go into a cigar establishment and being able to see what I am buying is a basic right as a consumer.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 11:53 AM  
**To:** HLTtestimony  
**Cc:** harumi@mejirographics.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harumi Kobayashi	Individual	Oppose	No

Comments:

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**Cc:** jonfia@gmail.com  
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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Fia	Individual	Oppose	No

**Comments:**

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**To:** HLTtestimony  
**Cc:** imamura@facebook.com  
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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jarrett Imamura	Individual	Oppose	No

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 9:14 AM  
**To:** HLTtestimony  
**Cc:** tobaccosofhawaii@yahoo.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Ingram	Individual	Oppose	No

**Comments:**

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**To:** HLTtestimony  
**Cc:** johnathon.g.myers@gmail.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Johnathon Myers	Individual	Oppose	No

Comments: I would not mind humidors and display cabinets for premium cigars being locked; however, customers need access to view selection of purchase products. These types of bills affecting customers ability to purchase are only hurting the income of the State of Hawaii--especially as it pertains to high dollar items such as premium cigars!

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**Sent:** Tuesday, March 12, 2013 7:13 PM  
**To:** HLTtestimony  
**Cc:** Jstrand@lbdcoffee.com  
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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Strand	Individual	Oppose	No

**Comments:**

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**To:** HLTtestimony  
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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JORDAN SILVA	Individual	Oppose	No

Comments: I am 27 years old and work as an Engineer. I have a college degree and like to think I am fairly educated. One of the pleasures I enjoy, after long hours in the office, is smoking a nice cigar with friends and business associates. But smoking cigars isn't just something I do, it is a hobby. Smoking cigars, for me, is an experience. A major portion of that experience is visiting our local cigar and tobacco shops (I personally like Tobaccos of Hawaii, Fujiokas, Shiromas, and The Wine Shop) where I can browse their well kept humidor, look at and SMELL when they are selling. Chat with the sales reps, and talk about what is new, what is old, what is good, what is bad, and seeing and feeling a product that I will hopefully soon consume. Premium cigars have many characteristics that simply can't be appreciated via pictures. You have to see the stems in the leaf, the construction of the wrapper. You have to feel the density of the cigar, smell the aroma of the cured tobacco. If this bill becomes a law, I will lose th at. And if my experience goes from what I just described, to walking up to a counter and saying "give me a number 2", then there is really no reason for me to go to the cigar shop at all. If I had no interest in seeing, holding, feeling, and smelling a great cigar before I bought it, I would purchase it online, where the variety is much larger, the cost is much cheaper, there is absolutely NO age verification, and where absolutely NONE of the money comes back into our local economy. I understand the intent of this bill is good. We want tobacco out of the reach of children. But when you are talking about Premium Cigars, the price does that - not the location. Premium Cigar companies do not advertise to children. Heck, most don't advertise at all outside of trade magazines. I have never met a kid willing to pay \$10+ for a single cigar, a cost that is on the "cheaper" side of cigars once the state applies the tax here in Hawaii, but I know plenty (I was a kid not to long ago) who would collect their money together and have someone buy them a pack of cigarettes (which are already behind a locked case or counter). While the intent is good - there is an unintended consequence that will occur. People like me, who love to regularly pour money back into local businesses and government (via tobacco taxes - which are currently in the top 5 in the country), will now have no benefit for our trouble. My humidor at home is full. I can wait the 4 days it takes for a shipment to come in, tax free. Or, I can head down the street on a Saturday afternoon, and support our local economy. I have continually paid more to enjoy that experience because to me, it is worth it. I hope simple pleasures like this are considered when voting on this bill. There are better ways to protect our children than to punish adults.

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**To:** HLTtestimony  
**Cc:** jeremywong@hawaii.rr.com  
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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeremy Wong	Individual	Oppose	No

Comments: Please do not lump all tobacco products in together with this bill. Cigars, premium cigars, should be allowed to be handled by a person over the age of 18. I think they should be locked up, but not made only accessible by the store owner or employee. I should as a consumer be able to look at and assess what I am about to purchase. Hand made premium cigars are not all created equal as in the case of machine rolled cigarettes. Please do not lump all tobacco products together.

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**Sent:** Wednesday, March 13, 2013 12:29 AM  
**To:** HLTtestimony  
**Cc:** Kkbundy\_2000@yahoo.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Nakaganeke	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 11:49 AM  
**To:** HLTtestimony  
**Cc:** lori@alecbradley.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Bond	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 10:53 PM  
**To:** HLTtestimony  
**Cc:** thasugarbear@hotmail.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

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**SB642**

Submitted on: 3/12/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leroy Woods Jr	Individual	Oppose	No

**Comments:**

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Ladies and Gentlemen of the Committee,

I oppose SB642

I understand the concept of the bill and feel it is not warranted. It is written vaguely with wording such as "...in certain retail establishments". Most retailers do have their tobacco behind the counter and are only accessible to the employees because of their need to reduce theft. In-fact, most retailers have locks on their tobacco products and require an ID if someone is purchasing it. I feel that this just creates another law that the Attorney General's office will have to enforce but not having a clear understanding of what the law is. Retailers will spend more time and effort trying to comply with a vague law that they may already be compliant with.

2 points that I have a problem with:

1. Will the Attorney General hire more man power to enforce or pay more for hours worked by current employees currently employed? Either way this means funds coming from somewhere and I do believe that means our taxes.
2. Retailers will have to devote time and effort either through relocation of tobacco storage and displays or man-hours. Ultimately it results in them paying for something which cuts into the profits – which will result in increased prices on all products.

Yes, I agree that the use of tobacco by anyone under the age of 18 is a concern as I am raising a 16 year old boy that is in the experimental stage of his life. But I take it upon myself to see that he has the best opportunity to be healthy while with me and not be fooled by ads or displays. Impulse buying is not a concern as all retailers ask for IDs. Education from his PARENTS. The schools do a good job but as a parent, this is something that we should take care of and not another law that is vague and will ultimately cost us money.

Respectfully,

Mark Miyahira

Voter in representative district 46 and senatorial district 22

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
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**To:** HLTtestimony  
**Cc:** richard\_bowles@yahoo.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Bowles	Individual	Oppose	No

Comments: Please do not group cigars into the same classification as cigarettes. Cigars are natural leaf and contain no chemicals. Please amend this bill to only pertain to cigarettes and vaping. Mahalo.

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**To:** HLTtestimony  
**Cc:** Js4tda@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rodney Kim	Individual	Oppose	Yes

Comments: Premium cigars are well protected at cigar retail establishments. This is an unnecessary law that would be restrictive to cigar consumers.

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**Sent:** Wednesday, March 13, 2013 4:15 AM  
**To:** HLTtestimony  
**Cc:** Stephenakaka@gmail.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen akaka	Individual	Oppose	No

Comments: I am opposed to the idea of not being able to personally select a product i wish to purchase. Every cigar store i have been to locks their cabinets already.keeping them safe from children. I'm also opposed to the government always restricting commerce in o ne way or another. We have so many restrictive laws and regulations its a miracle any business can even turn a profit..please don't pass this law!!!

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**To:** HLTtestimony  
**Cc:** sam@alecbradley.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sam phillips	Individual	Oppose	No

Comments: This is ridiculous - Cigar smoking in the Premium market is one of countries oldest pastimes.

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**Cc:** tomthebus@aol.com  
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**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tommy Hollenbeck	Individual	Oppose	No

**Comments:**

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**To:** HLTtestimony  
**Cc:** kapaabeach@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian McCracken	Individual	Oppose	No

Comments: I oppose this law because you have to be 18 yrs. old to buy cigars. Adult customers should be able to touch, see, smell elect the cigars in order to select the right one! Thank you!

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**Sent:** Thursday, March 14, 2013 12:56 AM  
**To:** HLTtestimony  
**Cc:** brksilva@gmail.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/14/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bronson K SILVA	Individual	Oppose	No

Comments:

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SB642

I believe that part of the cigar experience is being able to go to your tobacconist, open up a humidor and be able to pick up feel and smell a premium, hand rolled cigar.

Your proposed law is meant for cigarettes cheap flavored cigars that the young people want and I agree that these should be kept behind the counter and brought to the customer only when asked for.

This law if passed would put all cigar shops out of business. With you hefty tobacco tax the state would be looking at losing more revenue. Overall not a well thought out bill in my opinion

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 7:44 AM  
**To:** HLTtestimony  
**Cc:** adamsjon37@gmail.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/14/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jon Adams	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, March 13, 2013 9:57 PM  
**To:** HLTtestimony  
**Cc:** honolulutinting@clear.net  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Holeyfield	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, March 13, 2013 7:06 PM  
**To:** HLTtestimony  
**Cc:** jennifer.stringfellow@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Love Stringfellow	Individual	Oppose	No

Comments: This adversely affects cigar smokers, whose preferred products are all natural, no additives, and are usually kept in locked cabinets in front of the counter for our perusal. Please do not pass this measure in a blanket manner that covers cigars along with cigarettes.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 5:07 PM  
**To:** HLTtestimony  
**Cc:** matthew\_flogstad@yahoo.com  
**Subject:** \*Submitted testimony for SB642 on Mar 15, 2013 08:30AM\*

**SB642**

Submitted on: 3/13/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matt Flogstad	Individual	Oppose	No

Comments:

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 6:06 AM  
**To:** HLTtestimony  
**Cc:** nvizble@yahoo.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/14/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Levin	Individual	Oppose	No

Comments: Please defeat this measure, as it only further adds complexity and government intrusion into the decisions that adults make every day. At least as far as premium cigars are concerned, there will be a huge impact to local businesses and the quality of cigar smoking experiences. Only responsible adults and connoisseurs purchase premium cigars. I am sure the intent of the law is keep tobacco out of the hands of kids. But realistically, as far as cigar cabinets and displays are concerned, they are already normally locked and need an employee to open them. One would think that is good enough to "protect" the children. If this bill passes, patrons (including tourists) will likely not be able to choose their cigar. Rather an employee of the store will have to be found, asked and relied upon to select the brand and size requested and they will just bring it out and ring you up, thereby reducing the amount of sales and the trial of new merchandise. This scenario is a lose-lose for everyone in Hawaii.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 1:00 AM  
**To:** HLTtestimony  
**Cc:** Hayashiohana@aol.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/14/2013

Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Hayashi	Individual	Oppose	No

Comments: Locked humidors within the stores is sufficient . Please do not make my shopping difficult.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 13, 2013 2:54 PM  
**To:** HLTtestimony  
**Cc:** cruzinalong808@yahoo.com  
**Subject:** Submitted testimony for SB642 on Mar 15, 2013 08:30AM

**SB642**

Submitted on: 3/13/2013

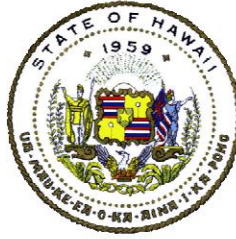
Testimony for HLT on Mar 15, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracy Mizota	Individual	Oppose	No

Comments: Please do not label cigars in the same category as cigarettes. I agree that cigarettes should be behind a counter and asked for by a customer to deter minors from obtaining it. But I strongly disagree with putting cigars behind the counter same as cigarettes. Currently all locations I have been too to purchase my cigars have been enclosed in standing humidors (to keep the cigars fresh) and in front of the counter. I don't see any minors using this set up as a way to have an easier access to a cigar for purchase and consumption. Establishments that sell cigars are usually specialty shops and operate with controls against minors purchasing it. The same argument could be used for alcohol sales. Should all alcohol(both spirits and wine) be placed behind the counter as a deterrent for minors not to have access to them? I am in favor of restricting minors from having access to cigarette products but Please do not restrict my right to have access and choice to purchasing cigars. Thank you.

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STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**TED SAKAI**  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Keith Kamita**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL (SB) 642, PROPOSED HOUSE DRAFT (HD) 1  
A BILL FOR AN ACT RELATING TO HEALTH

By

Ted Sakai, Director  
Department of Public Safety

House Committee on Health  
Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair

Wednesday, March 20, 2013, 8:30 a.m.  
State Capitol, Room 329

Chair Au Belatti, Vice Chair Morikawa and Members of the Committees:

The Department of Public Safety (PSD) **does not support SB 642, Proposed HD1**, which would require cigarettes and tobacco products to be sold, offered for sale, or displayed only in a direct, face-to-face exchange between the retailer and the consumer. The Proposed HD 1 also amends aspects of the medical use of marijuana program by:

- Increasing the authorized number of a patient's marijuana plants from 4 immature and 3 mature and up to 3 ounces of usable marijuana to seven mature plants and five ounces of usable marijuana a significant increase.
- Changing the patient to caregiver ratio from one patient per caregiver to three patients per caregiver;
- Allowing for a caregiver to charge a patient for costs associated with assisting that qualifying patient to obtain marijuana for medical use;
- Authorizing the transfer of marijuana between other patients and caregivers;

- Immunizing patients from searches, seizures and prosecution while transporting marijuana intended for medical use;
- Authorizing patients from other states to use medical marijuana while in Hawaii;
- Clarifying that a certifying physician need not be a patient's primary care physician;
- Prohibiting the state from indicating on the registry card the location where the qualified marijuana plants are grown.

PSD envision that passage of this bill will create difficulties for law enforcement.

Imagine the following scenario:

A house in which three medical marijuana patients reside (and this is not uncommon) currently could have 21 plants and 15 ounces of useable marijuana. The law now allows patients to be caregivers to one other patient. Under this bill each patient could be a caregiver for 3 other patients. This would potentially allow each patient/caregiver to grow up to 28 plants and possess up to 20 ounces of useable marijuana. If each of the three patients were also caregivers to three other patients, then the one house could legally grow up to 84 plants and possess up to 60 ounces of marijuana. Such a situation would draw the attention of law enforcement officials. However, job of law enforcement would be made difficult by the provision that prohibits the state from indicating on the registration card the location where the qualified marijuana is grown.

Because the authorized location of marijuana plants would not be on the permit, there would be a tremendous strain on the law enforcement officers and the DOH, if the DOH to conduct verifications twenty-four hours per day, seven days per week. One potential result is that a patient's marijuana plants may be seized unnecessarily. The advantage of having the patient or caregiver's authorized grow location is that when a law enforcement officer is called to a residence and finds marijuana plants, the patient or caregiver can just present his or her medical use of marijuana permit and the officer will at a glance be able to verify



that the plants are authorized and leave. If this information is not on the permit, the law enforcement officer will have to contact DOH for every permit.

The need for such verifications constitutes a large part of the program's administration. In FY 2012, PSD conducted 950 medical marijuana verification checks for Federal, State, and County law enforcement agencies. We received numerous verification calls resulting in an individual being released without arrest or seizure of their plants due to the ability of law enforcement officer to contact our Narcotics Enforcement Division 24 hours a day, 7 days a week to verify a patient or caregiver's medical use of marijuana certificate status. Each check may take up to 15 minutes.

There are other aspects of this bill that cause serious concern for us. For example, the section that would allow persons visiting from other states to use medical marijuana is also problematic, as we do not have the means to determine that a registry identification card is valid. If it is the sentiment of this Legislature to permit qualified visitors to use medical marijuana while in Hawaii, then we suggest that the various states consider reciprocal agreements first.

For these reasons, PSD cannot support SB642, Proposed HD1 as written. We do support other legislation that would transfer responsibility for this program to the department of Health. We believe that this transfer should take place first in an orderly manner, before other aspects of the law are amended. Thank you for the opportunity to testify on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawai'i**

March 20, 2013

**RE: S.B. 642, PROPOSED H.D. 1; RELATING TO HEALTH.**

Chair Au Belatti, Vice-Chair Morikawa, and members of the House Committee on Health, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 642, Proposed H.D. 1.

The purpose of the Proposed H.D. 1, Part II, is to: allow transfer of medical marijuana between all registered qualifying patients and caregivers; increase the amount of usable marijuana permitted per patient and caregiver; make the location of a patient's medical marijuana supply confidential, and omit this information from his or her registry card; prohibit the Department of Public Safety from knowing the patient's qualifying medical condition or requiring that a patient's certifying physician be the primary care physician; and allow caregivers to be responsible for up to three qualifying patients at any given time.

Because marijuana continues to be a Schedule I controlled substance (on both State and Federal schedules), possession of any amount is illegal, except by qualifying patients registered to use medical marijuana (and their caregivers). Such patients are currently permitted to have up to three ounces of usable marijuana at a time; one ounce is approximately 28.3 grams.

Under S.B. 642, Proposed H.D. 1, a caregiver with three registered patients could be permitted to possess and/or transfer up to 21 marijuana plants and 15 ounces (nearly 1 pound) of usable marijuana at any given time. To deter potential abuse and negative impacts on the public, permitted amounts and number of patients per primary caregiver should be kept to a minimum; strict regulations should be maintained to facilitate effective enforcement and control of this highly controlled substance.

Along similar lines, it is also important for law enforcement officers to be able to assess the amount of medical marijuana someone has in their possession, even if that person is registered as a qualified medical marijuana patient. Also, law enforcement must be able to readily identify the correct location of a patient's medical marijuana supply, and the Department of Public Safety (or Department of Health, if applicable) should have assurances that medical marijuana certifications are issued by a patient's primary care physician, for a specified medical condition. To do otherwise would permit or even encourage widespread abuse of the medical marijuana laws and marijuana usage.

While there has been ongoing discussion about the physical effects of marijuana, the Federal Schedule of controlled substances was recently updated in September 2012, and continues to list marijuana as a Schedule I controlled substance. Due to ongoing demand for illegal marijuana—either by non-registered individuals and/or in excess quantities—the Department maintains that medical marijuana laws must be very narrowly and carefully crafted, such that they can be safely and effectively enforced.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of S.B. 642, Proposed H.D. 1. Thank you for this opportunity to testify on this matter.



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

March 18, 2013

The Honorable Della Au Belatti, Chair  
And Members of the Committee on Health  
House of Representative  
Hawaii State Capitol  
Honolulu, HI 96813

RE: Senate Bill No. 642, RELATING TO HEALTH

Dear Chair Della Au Belatti and Members of the Committee:


The Maui Police Department OPPOSES the passage of S.B. No. 642 with the proposed HD1 amendments. The passage of this bill requires cigarettes and tobacco products to be stored for sale behind a counter in certain establishments and amends the Medical Use of Marijuana Program.

Although the Maui Police Department is in support of protecting our community's youth from taking up an unhealthy habit of cigarette smoking through the regulation of the storage and sale of cigarettes and other tobacco products, we are **against** the proposed HD1 amendment to add sections of the Medical Use of Marijuana Program to this bill. With several issues being discussed in this legislature over marijuana bills, we are concerned that the placement of these sections of the Medical Use of Marijuana Program would be confusing and would take away the protection of our community's youth from the original intent of this bill.

We suggest that the open discussion of the Medical Use of Marijuana stay within its respective bills that are currently still alive in this session.

The Maui Police Department again asks that you OPPOSE the passage of H.B. No. 642 with the proposed HD1 amendments.

Thank you for the opportunity to testify.

Sincerely,  
  
FOR GARY A. YABUTA  
Chief of Police

**TESTIMONY OF THE HAWAII POLICE DEPARTMENT**

**SENATE BILL 642, HD1**

**RELATING TO HEALTH**

BEFORE THE COMMITTEE ON HEALTH

DATE : Wednesday, March 20, 2013

TIME : 8:30 A.M.

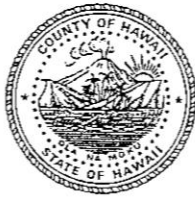
PLACE : Conference Room 329  
State Capitol  
415 South Beretania Street

PERSON TESTIFYING:

Deputy Police Chief Paul K. Ferreira  
Hawai'i Police Department  
County of Hawai'i

(Written Testimony Only)

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

March 18, 2013

Representative Della Au Bellatti  
Chairperson and Committee Members  
Committee On Health  
415 South Beretania Street, Room 329  
Honolulu, Hawai`i 96813

### **Re: Senate Bill 642, HD1 Relating to Health**

Dear Representative Bellatti:

The Hawai`i Police Department strongly opposes Senate Bill 642, HD1 with its two distinct purposes being, first of all, to adopt worthy proposals dealing with the face-to-face sales of tobacco products; but, unfortunately, the inclusion of Part II seeking to amend aspects of the Medical Use of Marijuana regime makes this a Bill we cannot support.

It is our belief this proposal, rather than serve to clarify the Medical Marijuana Use program, will instead provide additional opportunity for criminality. Allowing transportation of Marijuana by a qualifying patient that is "intended" for medical use and providing that qualifying patient immunity from searches, seizures, and prosecution for marijuana-related offenses (Part IV, Chapter 12) may, in effect, invite every qualifying patient to be a transporter of Marijuana for distribution. In terms of transportation, Law Enforcement would be hard-pressed to prove such person's intent is other than for medical use, regardless whether it was or not.

Allowing authorized conduct by a visiting, qualifying patient from another jurisdiction that authorizes medical use of Marijuana to engage in conduct for a qualifying patient in this state, fails to ensure that they meet the State's requirement of having a "Debilitating medical condition." Other states may have requirements that are not in lock step with that of ours, and, therefore, these visitors would in effect be granted benefits greater than those afforded residents of the state of Hawai`i.

With regards to redefining adequate supply: Of the 14 states which have a medicinal Marijuana program in place, Hawai'i's current definition of adequate supply, as it

REPRESENTATIVE DELLA AU BELLATTI  
CHAIRPERSON AND COMMITTEE MEMBERS  
COMMITTEE ON HEALTH  
RE: SENATE BILL 642, HD1 RELATING TO HEALTH  
March 18, 2013  
Page 2

pertains to Marijuana, is comparable. Almost half of those states allow possession of up to six (2) Marijuana plants, and nine (9) states allow possession of three (3) ounces or less of dried Marijuana. Certainly this is an indication of what an "adequate supply" of Marijuana is or should be. According to the Hawai'i Revised Statutes 329-121, the current definition of adequate supply is "three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each marijuana plant." If you were to consider that one "typical" Marijuana plant has the capability to produce approximately one (1) pound of dried Marijuana per growing season, a qualifying patient could potentially accumulate up to three (3) pounds of marijuana--one (1) pound per mature Marijuana plant. With the two main growing seasons (short, winter time; and long, summer time) within a calendar year, there is the potential of up to six (6) pounds of Marijuana per qualifying patient per year.

The proposed change in the term "Adequate Supply" to increase such supply to ten (10) Marijuana plants and five (5) ounces of usable at any given time is also of great concern. The average Marijuana cigarette utilizes approximately .75 grams of Marijuana. Five (5) ounces of usable Marijuana equates to 141.75 grams, or 189 Marijuana cigarettes. According to the Drug Enforcement Administration publication, *Speaking Out Against Drug Legalization (2010)*, the effects of one (1) smoked Marijuana joint can be felt for up to four (4) hours. In a 24-hour time period, allowing for eight (8) hours of rest, it is logical to assume a medicinal Marijuana patient could ingest four Marijuana joints in order to adequately feel the effects. In a week's time, that would mean a medicinal Marijuana patient could ingest 28 Marijuana joints. In a month's time, a medicinal Marijuana patient could ingest 112 Marijuana joints which equates to approximately two (2) ounces of Marijuana a month. Allowing five (5) ounces per month would mean ingesting 6.3 Marijuana joints a day, or one (1) joint every two (2) hours and 40 minutes that the user is awake. This, in effect, would mean this user would not be able to work in a job that is not home-based.

Since the implementation of the medical Marijuana program, Law Enforcement officials on the Big Island have frequently encountered Marijuana plants which are significantly larger than the average Marijuana plants. Based on size alone, one could argue the sheer size of these Marijuana plants could change the description from a plant to a tree and are obviously capable of producing larger quantities of Marijuana than the "typical" Marijuana plant.

As you can see, the current allowance of seven (7) Marijuana plants and three (3) ounces of dried Marijuana is more than sufficient to produce the necessary amount of

REPRESENTATIVE DELLA AU BELLATTI  
CHAIRPERSON AND COMMITTEE MEMBERS  
COMMITTEE ON HEALTH  
RE: SENATE BILL 642, HD1 RELATING TO HEALTH  
March 18, 2013  
Page 3

Marijuana to provide for an uninterrupted supply of Marijuana. Increasing the allowable amount of Marijuana plants and dried Marijuana is not necessary to allow for an uninterrupted availability of Marijuana and could have a negative impact on the community by serving as an invitation to criminal activity, such as robberies or thefts or other violent crimes against persons.

Increasing the number of qualifying patients (from one [1] to five [5]), for which a primary caregiver can be responsible for, will, in effect, allow such caregiver to cultivate up to 50 Marijuana plants and possess up to 25 ounces of usable Marijuana.

It has been the experience of the Hawai`i Police Department that numerous Medical Marijuana certificate holders have abused the programs as it currently stands. That is, on many occasions certificate holders have been found to have far in excess of the permitted Marijuana; certificate holders have been found to be involved in active distribution of Marijuana; certificate holders have been found to be cultivating medical Marijuana in places other than that allowed.

We do not believe it is a coincidence that only a tiny fraction of the doctors licensed to practice medicine in the state of Hawai`i are actually involved in the certifying of patients for Medical Marijuana. We believe the majority of the physicians who choose not to certify Marijuana for use are doing so with the utmost prudence and caution.

It is for these reasons, as well as our great concern as to the potential ramifications, we urge your committee to disapprove this legislation.

Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 642, HD1.

Sincerely,



PAUL K. FERREIRA  
DEPUTY POLICE CHIEF



**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 16, 2013 12:34 PM  
**To:** HLTtestimony  
**Cc:** kat.caphi@gmail.com  
**Subject:** \*Submitted testimony for SB642 on Mar 20, 2013 08:30AM\*

**SB642**

Submitted on: 3/16/2013

Testimony for HLT on Mar 20, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kat Brady	Community Alliance on Prisons	Support	No

Comments:

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TO: Senate Committees on Public Safety, Intergovernmental and Military Affairs & Health

FROM: Pamela Lichty, MPH  
President

DATE: March 20, 2013, 8:30 a.m., room 329

RE: Relating to Health - S.B. 642, HD 1, Part 2 – **IN STRONG SUPPORT**

Aloha Chair Belatti and members of the Committee. My name is Pam Lichty and I'm testifying for the Drug Policy Action Group. I also served as Co-Chair of the Medical Cannabis Working Group, which made recommendations to this body in 2010.

Today we wish to offer the strongest possible support for Part 2 of S.B. 642, HD 1. As you know, the state's medical marijuana program is now thirteen years old. Since our program was enacted, eighteen other states plus the District of Columbia have authorized medical use of cannabis. As these newer programs are implemented, many improvements have been incorporated.

**We will briefly outline the reasons for our support, and would like to respectfully offer some suggestions for amending the measure.**

First, we must say that changes to the Medical Cannabis Program are way overdue. This was one of the main conclusions of the Working Group and the bill before us incorporates many of their top recommendations. (The full text of that report is available at [www.dpfhi.org](http://www.dpfhi.org).) Many of the suggested improvements come directly from the experience of some of the more than 12,000 patients who are registered with the program in addition to physicians and other stakeholders who were surveyed.

We are pleased to see that several amendments deal with the issue of **appropriate supply and transfers** of useable cannabis between patients or patients and caregivers. This area of the law has been very unclear and has been subject to varying and arbitrary interpretation by both the county police departments and the Narcotics Enforcement Division (NED) of the Department of Public Safety, which currently runs the program.

In **Section 4** under “**Transfers**” the new language would permit one patient to share cannabis with another as long as there is no financial exchange. This addresses a common problem when one patient who is growing their supply has a crop failure or has more than the allowable limit and wishes to offer some to a fellow patient. It also addresses the situation when a patient is scheduled for immediate chemotherapy and has no time to grow their own or otherwise obtain it.

In **Section 5** the definition of “**adequate supply**” is addressed. Patients have been telling us for years that the amount of useable cannabis they use is highly variable. It depends on such factors as the nature of their injury or symptom and the amount required to provide relief.

For those who ingest cannabis in edibles, in a tincture or vaporize it (all modes of ingestion safer than smoking), more material is required. The appropriate amounts are subject to debate, but seven plants (with the unworkable mature/immature distinction eliminated) and five ounces of useable cannabis on hand is more consistent with what other states permit.

To put these amounts in context, the Committees are likely unaware that **the Federal Government supplies several patients with marijuana each month under their Compassionate IND Program dating from the 1980s. There were originally some 22 patients on the program, but only four remain alive. Every month these patients receive 300-360 pre rolled “joints” in a round tin (which is the equivalent of 8-9 ounces) from the Federal Government.** For more information on this, see, <http://medicalmarijuana.procon.org/view.answers.php?questionID=000257>

We like the language permitting compensation to caregivers. This is also overdue since it is unrealistic to expect that caregivers should go to the considerable cost, effort, and potential legal exposure to help patients simply out of the goodness of their hearts. The definition of “reimbursement” seems to be well thought out.

The issue of overreaching by program administrators is addressed. Unfortunately this is necessary because NED, in its thirteen years administering the program has modified the application form, added requirements, and otherwise placed new burdens on patients and physicians arbitrarily without amending the Administrative Rules.

We are pleased to see the new **confidentiality provisions** e.g. omitting the address where the cannabis is grown from the “blue card” which has lead to problems when a patient’s card is lost or stolen.

Another good provision in that the patient’s physician is not required to note the patient’s qualifying condition on their submission form to NED. As long as the physician deems the patient qualified, there is no reason that NED, a law enforcement agency, should be provided with this knowledge. Some of the qualifying conditions such as HIV remain stigmatized and there is no need for this information to be disclosed to the department.

The provision that a copy of the written certification be sent to the primary physician makes sense in terms of a holistic treatment, but I can think of scenarios where this could be problematic - for example if the patient's primary provider was in the military system or adamantly opposed to the use of cannabis – either of these could negatively affect the patient's care.

**Section 7, Subsection (c)** raises the number of patients one **caregiver** can care for to three, from the current 1:1 ratio. This change is long overdue. Finding competent caregivers is difficult and many patients reside together or near each other. Many patients are too ill to grow their own supply, live in an apartment where it is impractical, or do not have the needed expertise.

This draft omits a section on **transportation** which appeared in the earlier versions. This provision addresses a common problem that arises when, for example, a patient needs to travel to a doctor's appointment and must carry his supply of medicine with him. Police and judges in different counties have no uniform approach to dealing with this situation.

We agree with law enforcement that the section as originally drafted was unworkable since it offered "immunity" to traveling patients regardless of circumstances. However this is an important issue (in fact there is a case before the Hawaii Supreme Court right now dealing with the ambiguity in the statute.)

**We would respectfully like to suggest language which was developed in consultation with several attorneys familiar with the medical marijuana program.** To be clear, this is designed to deal with concerns around intra-island travel, not inter-state. We believe it will resolve the vague wording of the statute which results in inconsistent enforcement.

#### Suggested Amendment

[§329-122] Subsection (c) to read:

(c) The authorization for the medical use of marijuana in this section shall not apply to:

(1) The medical use of marijuana that endangers the health or well-being of another person;

(2) The medical use of marijuana other than transportation or possession:

(A) In a school bus, public bus, or any moving vehicle;

(B) In the workplace of one's employment;

(C) On any school grounds;

(D) At any public park, public beach, public recreation center, recreation or youth center; or

(E) Other place open to the public; and

(3) The use of marijuana by a qualifying patient, parent, or primary caregiver for purposes other than medical use permitted by this chapter.

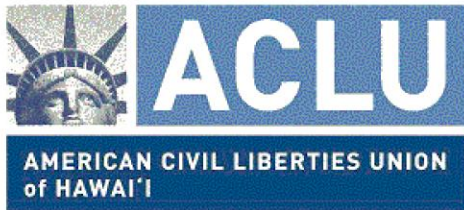
#### **Department of Health References**

Throughout this bill all references to the Department of Public Safety are replaced by the Department of Health. These amendments imply that this is where the program is

currently placed, although the Committees know that it is currently in the Department of Public Safety. S.B 642, HD 1 which is in your committees after passing the Senate would in fact transfer the program.

Even if this bill passes however, there will be transition time required. So we suggest the language here replacing the Department of Public Safety with the Department of Health be deleted. Another possibility could be to change the language to read something like “the administering department” - anticipating the transfer.

We thank the Committee for considering our suggestions and urge you to pass Part 2 of this critically important bill on with a strong recommendation for approval. Mahalo for hearing this measure and for the opportunity to testify.



Committee: Committee on Health  
Hearing Date/Time: Wednesday, March 20, 2013, 8:30 a.m.  
Place: Conference Room 329  
Re: Testimony of the ACLU of Hawaii in Support of Proposed Draft S.B. 642, H.D.1, Sec. 2, Relating to Health

Dear Chair Belatti and Members of the Committee on Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 642, H.D.1, Sec. 2, which provides a number of important and necessary improvements to the medical marijuana program.

S.B. 642 is a sensible measure that will provide long overdue relief to sick patients. Contemporary scientific evidence confirms the countless stories of the therapeutic effects of medical marijuana, which has provided unique relief for serious conditions, including cancer and AIDS, when no other medicine is as effective or free of side effects such as nausea or loss of appetite. Nearly one million patients nationwide now use medical marijuana as recommended by their doctors and in accordance with state laws. Unfortunately, Hawaii’s medical cannabis program is flawed; S.B. 642 will go far towards alleviating the problems faced by current patients.

S.B. 642 may spare patients who are already seriously ill from having to deal with a black market to get a medication that helps them. S.B. 642 attempts to address patient concerns about adequate supply by improving access to medication. It also takes substantive steps to protect the privacy of medical marijuana patients by mandating that the name and specifics of a medical condition should not be submitted to the state so long as the application includes a physician’s attestation that a debilitating medical condition exists. Further, it protects the rights of the primary caregiver because the address of the location where the marijuana is grown will no longer appear on the registry card. As a member of the Medical Cannabis Working Group,<sup>1</sup> the ACLU of Hawaii is aware of the many difficulties and dangers faced by patients in the current medical marijuana program. S.B. 602 takes a step in the right direction by providing patients with a safer and more secure program that better meets their health and safety needs.

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<sup>1</sup> The Medical Cannabis Working Group’s full report is available at <http://www.acluhawaii.org/downloads/1002MCWG.pdf>.

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Chair Belatti and HLT Committee Members  
March 20, 2013  
Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,  
Laurie A. Temple  
Staff Attorney and Legislative Program Director

*The American Civil Liberties Union (“ACLU”) is our nation’s guardian of liberty - working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.*

**American Civil Liberties Union of Hawaii**  
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[www.acluhawaii.org](http://www.acluhawaii.org)



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: March 18, 2013  
Hrg: House Committee on Health; Wed., March 20, 2013 at 8:30 a.m. in Rm 329  
Re: **Support for SB 642, Proposed HD 1, Part I, Relating to Health**

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Thank you for the opportunity to provide testimony in support of SB 642, proposed HD1, Part 1 which requires all tobacco products to be sold in a direct face to face exchange between the consumer and retailer, eliminating self-service displays.

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.

Currently, 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. Research has shown that preventing the display of tobacco products leads to a decrease in the number of adolescents experimenting with and becoming addicted to those tobacco products.<sup>1</sup> This bill will reduce youth access to tobacco, as well as the theft of tobacco products. The World Health Organization has endorsed a ban on retail tobacco product displays as an effective method of reducing tobacco use.<sup>2</sup>

The proposed HD1 includes language that mirrors the federal regulations around the sale of cigarettes and smokeless tobacco<sup>3</sup>.

A retailer may sell cigarettes, smokeless tobacco, and all other tobacco products only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays.

This measure will keep the products away from our youth and take away a powerful marketing tool currently enjoyed by a deadly industry. Prohibiting self-service tobacco displays is a promising practice that many states are considering or have enacted. Minnesota law prohibits self-service displays of cigarettes and smokeless tobacco, except in age-restricted retail tobacco stores that derive at least 90 percent of their revenue from the sale of tobacco and tobacco-related products.<sup>4</sup> Similarly, New York State prohibits self-service tobacco displays in retail stores that are open to minors.<sup>5</sup> California has also passed similar legislation and defines self-service

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<sup>1</sup> Markus P. Bidell, *Case Study of Attempts to Enact Self Service Tobacco Display Ordinances: A Tale of Three Communities*, Tobacco Control, 71-77 (2000)

<sup>2</sup> World Health Organization Framework Convention on Tobacco Control, *Guidelines for Implementation of Article 13*, adopted Nov. 2008

<sup>3</sup> 21 C.F.R. § 1140.16

<sup>4</sup> MINN. STAT. § 461.18, subd. 1.

<sup>5</sup> N.Y. PUB. HEALTH LAW § 1399-cc(7).





COALITION FOR A  
TOBACCO-FREE HAWAII

displays as “the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer”<sup>6</sup>.

Tobacco products are still the leading cause of preventable disease and death. We can reduce this by making sure youth never start and tobacco users have every opportunity to quit. This measure will continue to place Hawaii at the forefront of tobacco prevention and control.

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

Jessica Yamauchi, M.A.  
Executive Director

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<sup>6</sup> § 22962



**American Cancer Society  
Cancer Action Network**  
2370 Nuʻuanu Avenue  
Honolulu, Hawaiʻi 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

House Committee on Health  
Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair

Hearing: March 20, 2013; 8:30 a.m.

**SB 642, HD1 - RELATING TO HEALTH**

Cory Chun, Government Relations Director – Hawaii Pacific  
American Cancer Society Cancer Action Network

Thank you for the opportunity to testify in support of part 1 of SB 642, HD1, which requires tobacco products for sale to be sold only in a face-to-face interaction in certain establishments. We take no position on part 2 of this measure.

The American Cancer Society Cancer Action Network (ACS CAN), the advocacy affiliate of the American Cancer Society, is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

This version attempts to achieve the goals of the original measure, while taking into account logistical and practical challenges raised by the Attorney General. We believe this is a reasonable compromise.

Thank you for the opportunity to provide testimony on this measure.

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 16, 2013 8:31 AM  
**To:** HLTtestimony  
**Cc:** Luisvssn771@yahoo.com  
**Subject:** \*Submitted testimony for SB642 on Mar 20, 2013 08:30AM\*

**SB642**

Submitted on: 3/16/2013

Testimony for HLT on Mar 20, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Luis Villasenor	Individual	Oppose	No

Comments:

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)

**morikawa2 - Shaun**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 18, 2013 9:31 PM  
**To:** HLTtestimony  
**Cc:** christopher.burke1337@gmail.com  
**Subject:** Submitted testimony for SB642 on Mar 20, 2013 08:30AM

**SB642**

Submitted on: 3/18/2013

Testimony for HLT on Mar 20, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher BurkeMcCandless	Individual	Oppose	No

Comments: I strongly oppose this. I understand it's purpose per se, but I don't think that this is the correct course of action.

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.

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House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

I am in strong support of SB 642, proposed 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 Hawaiians' 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.

Doora Shin  
2033 Aupuni St  
Honolulu, HI 96817

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Wendy Akita  
2960 Aukele St.  
Lihue, HI 96766

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Raul Hayasaka  
1399 Manu Aloha Street  
Kailua, HI 96734

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Jill Friedman  
PO Box 427  
Hanapepe, HI 96716



House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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

Melissa Little  
708 Illalo St., Suite 400  
Honolulu, HI 96822

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

My name is Lorraine Leslie and I serve as the Hawaii Director for the American Lung Association in Hawaii.

The mission of the Lung Association is to save lives by improving lung health and preventing lung disease through education, advocacy and research. We work for healthy lungs and healthy air.

I am in strong support of SB 642, proposed 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.

Lorraine Leslie  
650 Iwilei Rd Suite 208  
Honolulu, HI 96819

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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

Phillip Olsen  
999 Wilder Ave.  
Honolulu, ID 96822

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Ken Nakamura  
1319 Punahou St  
Honolulu, HI 96821

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Don Weisman  
647 Akoaoka St.  
Kailua, HI 96734

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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

Diana Kahler  
12 West Naauao Pl  
Hilo, HI 96720

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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

Stevette Kaaihue  
1402 piikoi street  
Honolulu, HI 96822

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

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

Lisa Maddock  
120 Kaelelo'i Pl.  
Honolulu, HI 96821



House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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

Daria Fand  
1545 Kalakaua Ave., Apt. 709  
Honolulu, HI 96826

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in conf. Rm. 329

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

Barbara Nosaka  
2216 Hoonanea Street  
Honolulu, HI 96822

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

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Janelle Kubo  
2860 Waiālae Ave.  
Honolulu, HI 96826

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
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Kanani Kilbey  
642 Ulukahiki Street  
Kailua, HI 96734

House of Representatives Testimony  
Oahu

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

Margaret Lim  
1943 North King St.  
Honolulu, HI 96819

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
Members, House Committee on Health

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

Hrg: March 20, 2013 at 8:30 am in Conf. Rm. 329

Aloha Honorable Representatives,

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Thank you for the opportunity to provide testimony in support of this measure.  
Mahalo nui loa !!!

Helen Barrow  
Makawao  
Wailuku, HI 96768

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
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Mahalo for the opportunity to provide testimony in support of this measure.

Marilyn Gagen  
59-398 Ka Nani Drive  
Kamuela, HI 96743

House of Representatives Testimony  
Oahu

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

Cindy Ajimine  
94271 Olua Place  
Waipahu, HI 96797



House of Representatives Testimony  
Oahu

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Representative Dee Morikawa, Vice Chair  
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Thank you for the opportunity to provide testimony in support of this measure.

Respectfully,

Patricia Fleck

Patricia Fleck  
75-5660 Kopiko Street, Ste. C7-330  
Kailua-Kona, HI 96740

House of Representatives Testimony  
Oahu

To: Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair  
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Mahalo

John A. H. Tomoso, MSW, ACSW, LSW  
51 Ku'ula Street  
Kahului, HI 96732-2906

John A. H. Tomoso, MSW, ACSW, LSW  
51 Ku'ula Street  
Kahului, HI 96732

House of Representatives Testimony  
Oahu

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Beau Lani Barker  
613 Iliaina St  
Kailua, HI 96734

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Jennifer Griffith  
31-392 Lepo'loa Rd  
Hakalau, HI 96773

House of Representatives Testimony  
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Dan Domizio  
15-2662 Pahoia Village rd  
Pahoia, HI 96778

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Michelle Gray  
430 Lanipuaa Street  
Honolulu, HI 96825