



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
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HOUSE COMMITTEE ON HEALTH

SB0652SD2, RELATING TO HEALTH

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

**March 13, 2013
8:30 AM, Room 329**

1 **Department's Position:** The Department of Health (DOH) supports the prohibition of the sale of
2 electronic cigarettes to minors as proposed in this measure; however, suggests using the preferred
3 definition of "electronic smoking device" and supports prohibiting the purchase of electronic smoking
4 devices by minors and requiring signage at the point of sale. DOH supports the establishment of the
5 "Smoking Prevention Among Children and Youth Task Force" to develop potential legislation
6 addressing tobacco advertising and product placement

7 **Fiscal Implications:** None

8 **Purpose and Justification:** Electronic smoking device means any electronic product that can be used
9 to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the
10 device, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, or
11 electronic pipe, and any cartridge or other component of the device or related product.

12 Electronic smoking devices have become increasingly prevalent and widely available since their
13 introduction to the U.S. market in 2006. They are advertised as technologically advanced and "healthier
14 alternatives" to tobacco products using youth-relevant appeals such as celebrity endorsements,
15 trendy/fashionable imagery, and fruit, candy and/or alcohol flavors.

1 The 2011 Hawaii Youth Tobacco Survey reported that 5.1% of public high school students in the
2 state admitted to having tried an electronic smoking device. The Hawaii Department of Education has
3 just released a memo classifying the possession and/or use of electronic cigarettes as a contraband
4 offense subject to disciplinary actions. More than 35 proposals calling for some type of regulation of
5 electronic smoking devices have been introduced this year in legislatures nationwide. California,
6 Colorado, Minnesota, New Hampshire, New Jersey, Tennessee, and Indiana already prohibit the sale of
7 electronic smoking devices to minors.

8 Electronic smoking devices present a compelling introduction to the sensation of smoking by
9 allowing users, not only to mimic the tactile sensations of smoking, but also actually appear to blow
10 smoke. These devices promote a physiological addiction to an addictive drug, as well as a psychological
11 habituation to smoking.

12 The limited published research about safety, efficacy, or public health impact of electronic
13 smoking devices raises concerns about the product's lack of regulation, safety/quality assurances, and its
14 appeal to youth. The U.S. Food and Drug Administration asserts that the ready availability of electronic
15 smoking devices presents a serious risk of addicting new users, including children and cautions that such
16 devices may contain ingredients that are not safe. Because there is no regulation or quality control by
17 the manufacturers, the nicotine content in electronic smoking device cartridges often does not match the
18 advertised or labeled content.

19 The DOH supports the prohibition of the sales and purchase of electronic smoking devices to
20 prevent the deleterious effects on the health and safety of Hawaii's youth.

21 The DOH supports the creation of the "Smoking Prevention Among Children and Youth Task
22 Force" which will create an opportunity to bring together all interested parties to develop and
23 recommend accepted legislation that addresses concerns regarding the placement and advertising of
24 cigarettes and other tobacco products.

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

morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 1:01 PM
To: HLTtestimony
Cc: jillf2184@yahoo.com
Subject: Submitted testimony for SB652 on Mar 13, 2013 08:30AM

SB652

Submitted on: 3/12/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Friedman	Individual	Support	No

Comments: I support SB652. I am recommending the following amendments: Community service for minors violating the law should be replaced with required attendance and participation in classes on the health effects of smoking, nicotine, and secondhand and thirdhand smoke. This would be more effective and more logical than community service. The fines of \$10 and \$50 for minors should remain. The reasoning behind the bill is that minors do not have the maturity to make the right decision, and could become permanently addicted and suffer serious lifelong health consequences if they begin smoking. The purpose of the law should be primarily to protect minors against unethical adults who would harm them by giving them access to this dangerous and addictive substance. The adult violating the law is actually committing a crime against the minor. The adult should be treated as the primary violator, while the minor is actually a victim. I recommend community service for the adult violator in addition to the fines. The business owner should be fined for the employee's violation. After a 2nd offense the business should be closed for 72 business hours and should permanently lose the right to sell tobacco or and nicotine products.

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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