

**SB970**

**TESTIMONY**



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

In reply, please refer to:  
File:

## SENATE COMMITTEE ON HEALTH

### SB0970, RELATING TO TOBACCO

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

February 6, 2013  
2:15PM, Rm 229

1 **Department's Position:** The Department of Health shares the Legislature's concern over the need to  
2 further reduce the prevalence of youth smoking. The Department opposes this measure in that laws  
3 directed at minors' purchase, possession or use of tobacco products when implemented alone, yield  
4 insufficient evidence to determine effectiveness. In short, according to the Centers for Disease Control  
5 and Prevention (CDC), these laws have not shown to be successful in reducing youth smoking rates.

6 **Fiscal Implications:** None

7 **Purpose and Justification:** This bill amends section 709-908, HRS, to prohibit the possession or  
8 smoking of tobacco products by minors. The bill continues to allow a minor to purchase or possess  
9 tobacco products in controlled purchases as part of a law enforcement activity or authorized study and  
10 permits the possession of tobacco products by a minor in the course of delivery, under the direction of  
11 the minor's lawful employer.

12 Smoking and tobacco use remain the leading cause of preventable illness and death in Hawaii,  
13 causing over 1,100 deaths annually and resulting in over \$525 million in economic losses. The tobacco  
14 industry nationally spends over \$8.5 billion annually on advertising and promotions, \$25 million in

1 Hawaii. The industry has continued to market their products with images and messages which strongly  
2 resonate among our children.

3 In the CDC Guide to Community Preventive Services, a review of laws that prohibit possession  
4 or use of tobacco products by minors that require minors to receive citations and participate in  
5 educational programs have been found to be ineffective. Further, these laws had little or no effect on the  
6 rates of youth initiation and youth access to tobacco products. Instead, they divert policy attention  
7 away from effective tobacco control strategies and relieve the tobacco industry of responsibility for its  
8 marketing practices.

9 The Department feels more effective measures to impact youth access to tobacco include: 1) the  
10 passage of laws that impact the time, place, and manner as to how tobacco products are sold; 2) a strong  
11 merchant education effort; 3) strong enforcement 4) consistent adjudication by the courts; and 5) greater  
12 public and community awareness. These actions, when taken together, will reduce both the appeal and  
13 the access to tobacco products to Hawaii's youth.

14 Thank you for the opportunity to testify.

Council Chair  
Gladys C. Baisa

Vice-Chair  
Robert Carroll

Council Members  
Elle Cochran  
Donald G. Couch, Jr.  
Stacy Crivello  
Don S. Guzman  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

February 5, 2013

TO: The Honorable Josh Green, Chair  
Senate Committee on Health

FROM: Robert Carroll  
Council Member

SUBJECT: **HEARING OF FEBRUARY 6, 2013; TESTIMONY IN SUPPORT OF SB 970,  
RELATING TO TOBACCO**

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

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

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

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

For the foregoing reasons, I support this measure.

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Daryl Selman, President  
Judith F. Clark, Executive Director  
Aloha House  
American Civil Liberties Union of Hawaii  
Bay Clinic, Inc.  
Big Brothers Big Sisters of Honolulu  
Big Island Substance Abuse Council  
Blueprint for Change  
Bobby Benson Center  
Catholic Charities Hawaii  
Child and Family Service  
Coalition for a Drug Free Hawaii  
Domestic Violence Action Center  
EPIC, Inc.  
Family Support Hawaii  
Hale Kipa, Inc.  
Hale 'Opio Kauai, Inc.  
Hawaii Behavioral Health  
Hawaii Student Television  
Healthy Mothers Healthy Babies Coalition  
Hina Mauka Teen Care  
Hui Malama Learning Center  
Kahi Mohala Behavioral Health  
KEY (Kualoa-Heeia Ecumenical Youth)  
Project  
Kids Hurt Too  
Kokua Kalihi Valley  
Life Foundation  
Marimed Foundation  
Maui Youth and Family Services  
Palama Settlement  
P.A.R.E.N.T.S., Inc.  
Parents and Children Together (PACT)  
Planned Parenthood of Hawaii  
REAL  
Salvation Army Family Intervention Svcs.  
Salvation Army Family Treatment Svcs.  
Sex Abuse Treatment Center  
Susannah Wesley Community Center  
The Catalyst Group  
The Children's Alliance of Hawaii  
Waikiki Health Center  
Women Helping Women  
YWCA of Kauai

February 1, 2013

To: Senator Josh Green, Chair,  
And members of the Committee on Health

## Testimony in Opposition to SB 970 Relating to Tobacco

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes SB 870 Relating to Tobacco.

HYSN strongly supports evidence-based approaches to preventing tobacco use and helping users to quit, but believes that criminal penalties for possession and use are inappropriate and ineffective ways to address the problem.

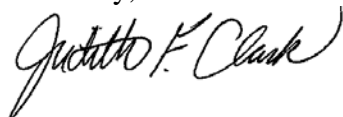
Minors who are convicted of the offence of possession and use of tobacco products would acquire criminal records that could prevent them from entering college, serving in the military, or practicing their chosen profession.

Making an activity a criminal offense is rarely effective in preventing initiation of use of substances or deterring persons who are already addicted from continued usage.

Hawaii has greatly reduced the number of young people who initiate tobacco use through effective education and prevention programs, such as those conducted by REAL, a youth-led initiative. For those who are already addicted, support and treatment at low or no cost is the most effective way to help people stop use of tobacco products.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [adamlipka@hotmail.com](mailto:adamlipka@hotmail.com)  
**Subject:** Submitted testimony for SB970 on Feb 6, 2013 14:15PM  
**Date:** Friday, February 01, 2013 3:23:56 PM

---

SB970

Submitted on: 2/1/2013

Testimony for HTH on Feb 6, 2013 14:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Lipka	Individual	Support	No

Comments: If it illegal for them to purchase then it should be illegal for them to smoke too.

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)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HTHTestimony](#)  
**Cc:** [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
**Subject:** \*Submitted testimony for SB970 on Feb 6, 2013 14:15PM\*  
**Date:** Friday, February 01, 2013 1:56:18 PM

---

SB970

Submitted on: 2/1/2013

Testimony for HTH on Feb 6, 2013 14:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	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)

**From:** [HTHTestimony](#)  
**To:** [green1 - George](#)  
**Subject:** FW: Submitted testimony for SB970 on Feb 6, 2013 14:15PM  
**Date:** Monday, February 04, 2013 7:26:43 PM

---

---

**From:** mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
**Sent:** Monday, February 04, 2013 8:16 AM  
**To:** HTHTestimony  
**Cc:** ryan.oswald@aol.com  
**Subject:** Submitted testimony for SB970 on Feb 6, 2013 14:15PM

SB970

Submitted on: 2/4/2013

Testimony for HTH on Feb 6, 2013 14:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald	Individual	Oppose	No

Comments: With this bill smoking will be even cooler and more bad \*ss than ever. Almost makes me think that the tobacco industry secretly introduced this. Anyways, the bill is a joke.

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)