



American Heart Association | American Stroke Association

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Serving Hawaii

## Testimony Opposing SB 3123; “Relating To Tobacco Products”

The American Heart Association opposes SB 3123, “Relating To Tobacco.”

Until comprehensive efforts to address the marketing of tobacco products to minors are exhausted, the AHA feels it would be inappropriate to hold youth responsible for behavior encouraged by tobacco marketers’ advertising. The industry spends almost \$25 million in Hawaii annually to recruit new tobacco users, most of them less than 18 years of age.

Evidence indicates that the industry pays retailers exorbitant product placement fees to insure that their products are located where they will become easily recognizable by youths, often next to candy or other sweet items that attract children’s attention. The industry also continues to flavor its products with candy and fruit flavors in packaging aimed at luring and addicting youth. The industry knows that it needs to imprint its brand on minors today to insure that they will eventually become addicted adult tobacco users.

Rather than focus efforts on punishing the victims of tobacco, we need to focus on the victimizers.

By shifting the focus to youth possession of tobacco products, you would be diverting the focus from the root cause of the problem—tobacco industry marketing tactics—and onto children who succumb to the industry’s subliminal advertising messages. You would also be feeding the industry’s advertising and marketing strategy to make tobacco appear to be an adult “privilege” and portray smoking as “cool” to those youths reaching for a “forbidden fruit.” The end effect would help the tobacco industry to lure those children most vulnerable to their marketing messages and those most likely to rebel.

Other states’ that have attempted to address youth tobacco addiction by using laws similar to that proposed by SB 3123 have shown no positive effect, and may have actually hurt proven, effective methods outlined under the CDC’s “Best Practices.” The tobacco industry’s own documents show that the strategy outlined in SB 3123 was developed by the manufacturers.

Now is not the time to divert from the strategies that have been proven effective at encouraging children to avoid the trappings of tobacco addiction. Those strategies include:

- adequately funding of community tobacco prevention, education and cessation programs to at least the CDC’s recommended investment for Hawaii, \$13.7 million annually;
- Increasing the unit price of tobacco products;
- Conducting mass media education campaigns when combined with other community interventions;

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For information on the AHA’s educational or research programs, contact your nearest AHA office, or visit our web site at [www.americanheart.org](http://www.americanheart.org) or e-mail us at [hawaii@heart.org](mailto:hawaii@heart.org)

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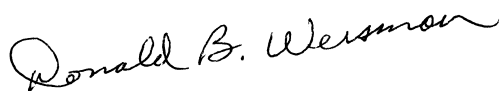
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***“Building healthier lives,  
free of cardiovascular  
diseases and stroke.”***

- Mobilizing the community to restrict minors' access to tobacco products when combined with additional interventions (stronger local laws directed at retailers, active enforcement of retailer sales laws, retailer education with reinforcement)
- Implementing school-based interventions in combination with mass media campaigns and additional community efforts.

Please vote no on SB 3123.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Donald B. Weisman".

Donald B. Weisman  
Hawaii Government Relations/Mission:Lifeline Director

# HAWAII YOUTH SERVICES NETWORK

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Blueprint for Change  
Bobby Benson Center  
Catholic Charities Hawaii  
Child and Family Service  
Coalition for a Drug Free Hawaii  
Courage House Hawaii  
Domestic Violence Action Center  
EPIC, Inc.  
Family Programs Hawaii  
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  
Kaanalike  
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

January 31, 2014

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

## **Testimony in Opposition to SB 3123 Relating to Tobacco Products**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes SB 3123 Relating to Tobacco Products.

HYSN strongly supports evidence-based approaches to preventing tobacco use and helping users to quit, but believes that a criminal offense for possession is an inappropriate and ineffective way to address the problem.

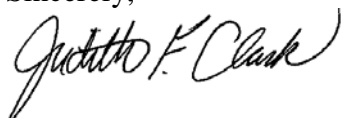
Minors who are convicted of the offence of possession of tobacco products would acquire criminal records that could prevent them from entering college, serving in the military, or practicing their chosen profession.

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



To: The Honorable Josh Green, Chair, Committee on Health  
The Honorable Rosalyn H. Baker, Vice Chair, Committee on Health  
Members, Senate Committee on Health  
From: Tiffany Gourley, Policy & Advocacy Director  
Date: February 3, 2014  
Hrg: Senate Committee on Health; Wed., February 5, 2014 at 1:30 p.m. in Rm 229  
Re: **Opposition for SB 3123, Relating to Tobacco Products**

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Thank you for the opportunity to offer testimony in support of SB 3123, which prohibits minors from possessing any tobacco product.

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

**The Coalition opposes making youth use and possession of tobacco products unlawful.**

Evidence does not support that legislation making youth use and possession of tobacco products unlawful reduces youth tobacco use. The Centers for Disease Control and Prevention outline a number of proven strategies to prevent youth tobacco use, none of which include criminalizing youth for possession or using tobacco products. Efforts include: anti-tobacco policies and programs in schools; increased restriction and enforcement of restrictions on tobacco sales to minors; reduced tobacco industry influences; decreased access to tobacco products; and increased price of tobacco products.<sup>1</sup>

**The Coalition recommends consideration of other measures to decrease youth use of tobacco products.**

Other options to deter and decrease tobacco youth initiation and continued use includes continued funding for tobacco prevention programs and counter-marketing campaigns; increasing the taxes on tobacco products and creating parity between the taxes on other tobacco products and electronic smoking devices with cigarettes; and raising the minimum age to purchase tobacco products, including electronic smoking devices, purchase to twenty-one.

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<sup>1</sup> See Centers for Disease Control and Prevention, KEY OUTCOME INDICATORS FOR EVALUATING COMPREHENSIVE TOBACCO CONTROL PROGRAMS (“Preventing Initiation of Tobacco Use Among Young People” logical model chart and explanations pp. 19-23). May 2005.



Lastly, we share that Hawaii's youth smoking rates are 12.3%.<sup>2</sup> There is still work to be done, however this measure is not the proven method of ensuring that our children never use tobacco. We respectfully ask that you hold or amend this measure.

Thank you for the opportunity to testify on this matter.

A handwritten signature in black ink, appearing to read "Tiffany L. Gourley". The signature is fluid and cursive, with a large, looping flourish at the end.

Tiffany L. Gourley, esq.  
Policy and Advocacy Director

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<sup>2</sup> Hawai'i State Department of Health, "Data Highlights from the 2011 Hawai'i Youth Tobacco Survey (YTS) and Comparisons with Prior Years."



## COALITION FOR A TOBACCO-FREE HAWAII

### References:

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**Subject:** \*Submitted testimony for SB3123 on Feb 5, 2014 13:30PM\*  
**Date:** Tuesday, February 04, 2014 9:53:58 AM

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**SB3123**

Submitted on: 2/4/2014

Testimony for HTH on Feb 5, 2014 13:30PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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