

Honolulu, Hawaii  
**MARCH 18**, 2016

RE: S.B. No. 2083  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2083, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE,"

begs leave to report as follows:

The purpose of this measure is to protect public health and safety, particularly for children. Specifically, this measure:

- (1) Prohibits smoking in a motor vehicle in which a person under the age of 18 is present;
- (2) Provides for penalties for persons convicted or found in violation of the smoking prohibition; and
- (3) Requires the Department of Health to submit a report to the Legislature on the enforceability and coordination of data collection efforts of the respective law enforcement agencies with regard to the smoking prohibition.

The Department of Health, Office of the Prosecuting Attorney of the County of Kauai, County of Hawaii Police Department, Coalition for a Tobacco-Free Hawaii, Student Health Advisory Council of the University of Hawaii at Manoa, and numerous concerned individuals testified in support of this measure. The Hawaii Smokers Alliance and numerous individuals testified in opposition to this measure.

SB2083 HD1 HSCR TRN HMS 2016-2733



Secondhand smoke is a dangerous class A carcinogen in the same class as asbestos and benzene, which can cause heart disease, lung cancer, and stroke. Secondhand smoke typically contains at least 7,000 identifiable chemicals, around 70 of which are known or probable carcinogens. The Fiftieth Anniversary United States Surgeon General Report, released on January 17, 2014, states that any level of exposure to secondhand smoke is dangerous and over 2,500,000 nonsmokers have died from health problems caused by secondhand smoke since 1964.

Your Committee finds that children generally breathe in more air than adults because their lungs are still developing. Additionally, children usually have little or no control over their environments and cannot leave if secondhand smoke bothers them, resulting in greater risk of exposure to second hand smoke and its damaging health effects. As of June 2015, over 20 jurisdictions within the United States, including California, Oregon, and the County of Hawaii, have enacted smoke-free vehicle laws to protect minors. This measure allows Hawaii to join these other jurisdictions to ensure that children are not subjected to the harmful effects of second-hand smoke while in a motor vehicle.

Your Committee has amended this measure by clarifying that the Department of Health's report include information on the enforceability by law enforcement agencies of the prohibition on smoking in a motor vehicle in which a minor is present as a secondary offense.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2083, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2083, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,



HENRY J.C. AQUINO, Chair



**Record of Votes of the Committee on Transportation**

Bill/Resolution No.: <b>SB 2083, SDI</b>	Committee Referral: <b>TRN, JVD, FIN</b>	Date: <b>3-16-16</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:     Pass, unamended (as is)     Pass, with amendments (HD)     Hold

Pass short form bill with HD to recommit for future public hearing (recommit)

TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	X			
2. LoPRESTI, Matthew S. (VC)	X			
3. HAR, Sharon E.	X			
4. ICHIYAMA, Linda	X			
5. JOHANSON, Aaron Ling	X			
6. KEOHOKALOPE, Jarrett	X			
7. NAKASHIMA, Mark M.	X			
8. SAN BUENAVENTURA, Joy A.	X			
9. TAKAYAMA, Gregg	X			
10. TAKUMI, Roy M.	X			
11. YAMASHITA, Kyle T.	X			
12. TUPOLA, Andria P.L.	X			
<b>TOTAL (12)</b>	<b>12</b>			

The recommendation is:     Adopted     Not Adopted

If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature:

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