

Honolulu, Hawaii
March 24, 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 Judiciary, to which was referred S.B. No. 2083, S.D. 1, H.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, County of Kauai Office of the Prosecuting Attorney, County of Hawaii Office of the Prosecuting Attorney, University of Hawaii Student Health Advisory Council, Hawaii Public Health Association, Coalition for a Tobacco-Free Hawaii, American Heart Association, and numerous individuals supported this measure. The Hawaii Smokers Alliance and numerous individuals opposed this measure.

SB2083 HD1 HSCR JUD HMS 2016-2928



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 secondhand 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 jurisdictions to ensure that children are not subjected to the harmful effects of secondhand smoke while in a motor vehicle.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2083, S.D. 1, H.D. 1, and recommends that it be referred to your Committee on Finance.

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



KARL RHOADS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2083, SD1, HD1	Committee Referral: TRN, JUD, FIN	Date: 03/22/16		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				/
2. SAN BUENAVENTURA, Joy A. (VC)	✓			
3. BELATTI, Della Au	✓			
4. BROWER, Tom	✓			
5. CREAGAN, Richard P.	✓			
6. HASHEM, Mark J.	✓			
7. KAWAKAMI, Derek S.K.				/
8. LEE, Chris				/
9. MORIKAWA, Dee	✓			
10. NAKASHIMA, Mark M.	/			
11. TAKAYAMA, Gregg	/			
12. WOODSON, Justin H.	/			
13. McDERMOTT, Bob			✓	
14. THIELEN, Cynthia	✓			
TOTAL (14)	10	0	1	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				