

Honolulu, Hawaii
March 10, 2016

RE: S.B. No. 305
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 Health, to which was referred S.B. No. 305, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES,"

begs leave to report as follows:

The purpose of this measure is to protect patients, employees, and other visitors to health facilities within the Hawaii Health Systems Corporation (HHSC) from exposure to second-hand smoke and other potentially harmful substances, and to promote positive health practices, by:

- (1) Prohibiting any person from using tobacco products or electronic cigarettes on the premises of HHSC facilities within the State;
- (2) Requiring HHSC to provide tobacco cessation programs for HHSC facility employees, and making issues relating to program costs subject to collective bargaining; and
- (3) Excluding provisions in this measure from chapter 328J, Hawaii Revised Statutes (HRS), relating to smoking.

For the purpose of a public hearing, your Committee circulated a proposed House Draft 1 of S.B. No. 305 (Proposed Draft), and notified the public that it would be accepting testimony on the Proposed Draft. Your Committee notes that S.B.



No. 305, S.D. 1, as received by your Committee, is substantially similar to the Proposed Draft.

Your Committee received testimony from the following organizations and individuals:

Proposed Draft: The Department of Health, HHSC Corporate Board of Directors, HHSC Oahu Region, American Heart Association, Coalition for a Tobacco-Free Hawaii, and Healthcare Association of Hawaii testified in support of this measure.

S.B. No. 305, S.D. 1: Hilo Medical Center Foundation and several individuals testified in support of this measure. Three individuals submitted testimony in opposition.

Your Committee has amended this measure by incorporating the Proposed Draft, which amended this measure by:

- (1) Prohibiting any person from using tobacco products or electronic smoking devices on the premises of HHSC facilities within the State, notwithstanding the less restrictive requirements of chapter 328J, HRS;
- (2) Deleting the requirement that HHSC provide tobacco cessation programs for employees of its facilities and removing the requirement that issues relating to the costs of the tobacco cessation program be subject to collective bargaining;
- (3) Replacing the term "e-cigarette" with "electronic smoking device" throughout the measure;
- (4) Defining "electronic smoking device"; and
- (5) Changing the definition of "tobacco product."

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 305, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 305, 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 Health,

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DELLA AU BELATTI, Chair



