

STAND. COM. REP. NO.

617

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 757

S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 757, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the use of electronic smoking devices in places where smoking is already prohibited and update signage requirements to reflect the new prohibition.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Health Systems Corporation, American Heart Association, American Lung Association of the Mountain Pacific, American Cancer Society Action Network, Coalition for a Tobacco-Free Hawai'i, University of Hawai'i Cancer Center, University of Hawai'i at Manoa Student Health Advisory Council, and forty individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance, PC Gamerz, 808 Smokes, and ten individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that electronic smoking devices have become increasingly prevalent and widely available since their introduction into the United States market. However, since electronic smoking devices are a relatively new product, their health effects have yet to be thoroughly researched. Serious

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questions also remain about the safety of inhaling substances in an electronic smoking device. Your Committee further finds that electronic smoking devices produce an aerosol that is not merely water vapor. According to testimony received by your Committee, studies have found that the aerosol produced by electronic smoking devices may contain carcinogens, such as formaldehyde, acetaldehyde, lead, nickel, chromium, and other hazardous substances cited by the Agency for Toxic Substances and Disease Registry, which are associated with a wide range of negative health effects.

Your Committee additionally finds that the use of electronic smoking devices in traditionally smoke-free areas causes confusion in the enforcement of smoke-free laws, creates distractions in work environments, and renormalizes smoking behavior. This measure prohibits the use of electronic smoking devices in enclosed or partially enclosed places where smoking is prohibited, which will reduce the likelihood of nonuser exposure to potentially harmful chemicals in electronic smoking devices and help ensure compliance with existing smoking regulations.

Your Committee notes the concerns raised by the Department of the Attorney General in testimony. Your Committee concludes that amendments to this measure are therefore necessary to incorporate definitions suggested by the Department of Health that have been approved by the Attorney General and to delete the definition of "tobacco product", thereby addressing the constitutional title concerns raised by the Department of the Attorney General.

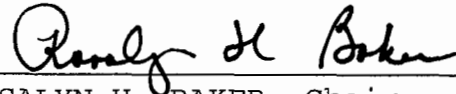
Accordingly, your Committee has amended this measure by:

- (1) Clarifying the definitions of "electronic smoking device" and "smoke" or "smoking";
- (2) Deleting the definition of "tobacco product"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 757, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 757, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

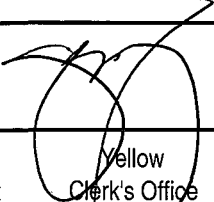


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 757 SDI	HTH, CPN	2/25/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)				✓
KAHELE, Gilbert	✓			
KIDANI, Michelle N.	✓			
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes