



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB2134
RELATING TO HEALTH**

REPRESENTATIVE DEE MORIKAWA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES
REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 16, 2016 Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department provides comments and recommends deferring this
3 measure. The Department prefers HB2561, Relating to the Administration of Justice; Penal
4 Code and Related Amendments which includes the amendment proposed in HB2134. HB2561 is
5 a comprehensive bill to amend various chapters of the Hawaii penal code, and related statutes
6 outside of the penal code.

7 The purpose of HB2134 is to enact the recommendations of the Hawaii penal code
8 review committee by moving the chapter on the prohibition on furnishing tobacco and electronic
9 smoking devices from Section 709-908, Hawaii Revised Statutes (HRS), and moving these laws
10 into Chapter 712, HRS. The penal code review committee found that the move would put the
11 law where it logically belonged under the section of the HRS found in Chapter 712 titled,
12 “Regarding Offenses Against Public Health and Morals,” instead of its current location in
13 Section 709-908, “Regarding Offenses Against Family and Against Incompetents.”

14 Thank you for the opportunity to testify.

15 **Offered Amendments:** None.



Date: February 14, 2016

To: The Honorable Dee Morikawa, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members of the House Committee on Human Services

The Honorable Della Au Belatti, Chair
The Honorable Richard Creagan, M.D., Vice Chair
Members of the House Committee on Health

From: Jessica Yamauchi, Executive Director, Hawai'i Public Health Institute

Re: **Comments and Recommendation for HB2134, Relating to Health**

Hrg: February 16, 2016 at 9:15am at Capitol Room 329

Thank you for the opportunity to provide comments on HB2134 which repeals HRS section 709-908 and amends HRS Chapter 712 with the language from 709-908 as a housekeeping measure as recommended by the penal code review committee.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With nearly two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Coalition appreciates the intent of this measure however would prefer HB 2561, Relating to the Administration of Justice as the bill to move this issue forward. HB 2561 is an omnibus bill which includes all recommendations from the penal code review committee. This particular recommendation is included in HB 2561 which has passed out of the House Judiciary Committee.

Thank you for the opportunity to provide comments on HB2134.

Mahalo,

A handwritten signature in cursive script that reads 'Jessica Yamauchi'.

Jessica Yamauchi
Executive Director