



To: The Honorable Della Au Belatti, Chair, Committee on Health  
The Honorable Richard Creagan, Vice Chair, Committee on Health  
Members, House Committee on Health  
From: Jessica Yamauchi, Executive Director  
Date: January 30, 2015  
Hrg: House Committee on Health; Friday, January 30, 2015 at 10:10 a.m. in Rm 329

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Thank you for the opportunity to offer testimony in **support of** House Bill 34, which allows condominiums and cooperative housing corporations to adopt rules to prohibit smoking in units, common elements, or limited common elements and offers a recommendation to define e-cigarettes.

The Coalition for a Tobacco Free Hawai'i (Coalition) is an independent organization in Hawai'i working to reduce tobacco use through education, policy and advocacy. Our organization is a small nonprofit of over 100 member organizations and 2,000 advocates that work to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts. The Coalition also supports the public through its Smoke-Free Homes Initiative, designed to create smoke-free apartments and condos through voluntary policy adoption.

The Coalition supports HB 34 and recommends that the following definition be adopted for e-cigarettes.

“Electronic smoking device” means any electronic product that delivers nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah. “Electronic smoking device” includes any component, part, or accessory of such a product, whether or not sold separately. “Electronic smoking device” does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

This language is consistent with bills relating to “electronic smoking device”.

### **Secondhand smoke has killed 2.5 million Americans and should be eliminated.**

Secondhand smoke is dangerous; the 50<sup>th</sup> Anniversary U.S. Surgeon General Report released on January 17, 2014 states that any level of exposure to secondhand smoke is dangerous and can be harmful, and over 2.5 million people have died from secondhand smoke.<sup>1</sup> The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that environmental tobacco smoke (or secondhand smoke) is carcinogenic to humans. Secondhand smoke contains 7,000 identifiable chemicals, 69 of which are known or probable carcinogens.

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<sup>1</sup> U.S. Department of Health and Human Services. (2014). “The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General.” Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.



The Coalition receives calls from residents who reside in multi-unit housing and who have asthma and other health issues affected by secondhand smoke exposure. The Coalition supports efforts that will encourage any multi-unit dwelling to go smoke-free. Currently, condominiums usually vote on bylaws to create smoke-free policies which can be a long and costly process. A law allowing condominium boards to adopt smoke-free policies through house rules will give the condominium boards and residents stronger legal support should they be interested in pursuing a smoke-free policy. Through our efforts we have learned that all residents—regardless if they have asthma, COPD or other health issues—are impacted by the hazards of secondhand smoke.

**All families deserve to live free of second-hand smoke. The only way to ensure this is to prohibit smoking in units.**

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) adopted a position that states, “[a]t present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity. . . No other engineering approaching, including current and advanced dilution ventilation or air cleaning technologies, have demonstrated or should be relied upon to control health risks from ETS [environmental tobacco smoke] exposure in spaces where smoking occurs.”

Respectfully,

Jessica Yamauchi, MA  
Executive Director

**creagan1 - Dannah**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 29, 2015 11:16 AM  
**To:** HLTtestimony  
**Cc:** mz9995@hotmail.com  
**Subject:** \*Submitted testimony for HB34 on Jan 30, 2015 10:10AM\*

**HB34**

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Hawaii Smokers Alliance	Oppose	Yes

Comments:

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**creagan1 - Dannah**

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**To:** HLTtestimony  
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**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM  
**Attachments:** 1-28-2015 CAI LAC testimony re HB 34 final.pdf

**Categories:** Purple Category

**HB34**

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Na Lan	CAI LAC	Comments Only	Yes

Comments: Please the attached testimony for the position and concerns of Hawaii Chapter of Communities Association Institute, Legislative Action Committee.

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January 29, 2015

VIA WEB TRANSMITTAL

Committee on Health  
House of Representatives, the 28<sup>th</sup> Legislature  
Regular Session of 2015

Re: Testimony regarding HB34

Dear Chair Au Belatti, Vice Chair Creagan and Committee members:

I am the Chair of the Community Associations Legislative Action Committee (“CAI”). CAI has the following concerns about HB34:

The language used in HB34, e.g. “A corporation may adopt rules to prohibit ...” and “An association may adopt rules that affect ...” is vague and ambiguous as to whether the Board of a co-operative housing corporation or the Board of a condominium association alone has the authority to adopt such rules banning smoking not only in the common elements, limited common elements but also in individual dwelling units, without seeking approval from members of the association or co-op.

HRS § 328J-3 prohibits smoking in enclosed or partially enclosed places open to the public, including but not limited to **lobbies, hallways, and other common areas in apartment buildings, condominiums**, retirement facilities, nursing homes, **multifamily dwellings, and other multiple-unit residential facilities**, elevators, hotel and motel lobbies, meeting rooms and banquet facilities. HRS § 328J-7 specifically exempts private residences from the provisions of HRS § 328J-3.

Thus, under existing law, if an association wants to prohibit smoking in individual units, the Board is required to seek ownership approval (at least 67%) to amend the Bylaws to that effect.

CAI takes the position that the status quo should not be changed. Whether a condo or co-op building should be smoking free should be determined via the democratic process by all unit owners of the Association or lessors/stock holders of the co-op.

1. It is fair to have all unit owners, including smokers who already made the investment in their apartments, participate in the process of determining whether their building should be smoking free;
2. Allowing the Board alone to ban smoking in individual dwelling units may make it difficult for unit owners or tenants who smoke to find alternative affordable housing;
3. We anticipate allowing the Board alone to have the power to ban smoking inside each unit and enforcement of such a smoking ban would lead to more disputes among neighbors or between the unit owners or tenants and the Association or its Board.

CAI represents the association industry and respectfully submits its position on HB34 for your consideration.

Thank you!

Sincerely yours,

A handwritten signature in cursive script that reads "Na Lan".

Na Lan

**creagan3 - Karina**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 28, 2015 7:04 PM  
**To:** HLTtestimony  
**Cc:** michrobins3@myself.com  
**Subject:** \*Submitted testimony for HB34 on Jan 30, 2015 10:10AM\*

**HB34**

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Robinson	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, January 28, 2015 5:16 PM  
**To:** HLTtestimony  
**Cc:** 4spiritnsoul@gmail.com  
**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM

**HB34**

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Naomi C. Liu	Individual	Oppose	No

Comments: The owners should decide!

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**To:** HLTtestimony  
**Cc:** timlemke20@yahoo.com  
**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM

**HB34**

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tim Lemke	Individual	Oppose	No

Comments: I person's at home privacy should be respected.

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**To:** HLTtestimony  
**Cc:** awatanabe67@gmail.com  
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**HB34**

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Watanabe	Individual	Oppose	No

Comments:

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**To:** HLTtestimony  
**Cc:** pipelinemax@outlook.com  
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**HB34**

Submitted on: 1/28/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimo Cruz	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 29, 2015 7:28 AM  
**To:** HLTtestimony  
**Cc:** jbickel15@yahoo.com  
**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM

**HB34**

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Bickel	Individual	Support	No

Comments: I live in a condominium in Waikiki. At times the unit next to mine has been rented to a smoker. The smoke at times flowed into my unit waking me in the middle of the night. I suffered a number of migraine headaches due to this problem. My building has been reluctant to make it rule to ban smoking. This bill would help those of us who are trying to make this a rule and make our building a healthier place to live. John Bickel Waikiki Skyliner

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**To:** HLTtestimony  
**Cc:** 808aprilpacheco@gmail.com  
**Subject:** \*Submitted testimony for HB34 on Jan 30, 2015 10:10AM\*

**HB34**

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
April Pacheco	Individual	Oppose	No

Comments:

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Chair Belatti, Vice-Chair Creagan, and members of the committee,

Thank you for the opportunity to testify in STRONG OPPOSITION to HB34. This bill is unjustified and ethically repugnant. The ability to impose restrictions on the activities within private domiciles is a power to be granted extremely sparingly. The privacy of one's own home is traditionally sacrosanct in Hawaii.

The inclusion of ecigarettes in this bill is particularly asinine. Ecigarettes produce no significant exposures to toxins in indoor environments, so the implicit claim that vapor from inside a dwelling could present such an issue for adjacent common areas or dwellings that a person's activities in their own home must be curtailed is actually offensive. There is no more risk to adjacent areas than from air fresheners or cooking. And, ecigarettes are used largely to avoid smoking, so banning their use in homes is even further contraindicated.

Finally, this would be largely unenforceable, as ecigarette vapor dissipates quickly and leaves no residue.

Attached is a recent comprehensive review of ecigarette research, which concludes: "...based on the existing evidence from environmental exposure and chemical analyses of vapor, it is safe to conclude that the effects of EC use on bystanders are minimal compared with conventional cigarettes."

P. Kuromoto

# Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review

Konstantinos E. Farsalinos and Riccardo Polosa

**Abstract:** Electronic cigarettes are a recent development in tobacco harm reduction. They are marketed as less harmful alternatives to smoking. Awareness and use of these devices has grown exponentially in recent years, with millions of people currently using them. This systematic review appraises existing laboratory and clinical research on the potential risks from electronic cigarette use, compared with the well-established devastating effects of smoking tobacco cigarettes. Currently available evidence indicates that electronic cigarettes are by far a less harmful alternative to smoking and significant health benefits are expected in smokers who switch from tobacco to electronic cigarettes. Research will help make electronic cigarettes more effective as smoking substitutes and will better define and further reduce residual risks from use to as low as possible, by establishing appropriate quality control and standards.

**Keywords:** electronic cigarettes, e-liquid, e-vapor, harm reduction, nicotine, safety, tobacco

## Introduction

Complete tobacco cessation is the best outcome for smokers. However, the powerful addictive properties of nicotine and the ritualistic behavior of smoking create a huge hurdle, even for those with a strong desire to quit. Until recently, smokers were left with just two alternatives: either quit or suffer the harmful consequences of continued smoking. This gloomy scenario has allowed the smoking pandemic to escalate, with nearly 6 million deaths annually and a predicted death toll of 1 billion within the 21st century [World Health Organization, 2013]. But a third choice, involving the use of alternative and much safer sources of nicotine with the goal to reduce smoking-related diseases is now available: tobacco harm reduction (THR) [Rodu and Godshall, 2006].

Electronic cigarettes (ECs) are the newest and most promising products for THR [Polosa *et al.* 2013b]. They are electrically-driven devices consisting of the battery part (usually a lithium battery), and an atomizer where liquid is stored and is aerosolized by applying energy and generating heat to a resistance encircling a wick. The liquid used mainly consists of propylene glycol, glycerol,

distilled water, flavorings (that may or may not be approved for food use) and nicotine. Consumers (commonly called ‘vapers’) may choose from several nicotine strengths, including non-nicotine liquids, and a countless list of flavors; this assortment is a characteristic feature that distinguishes ECs from any other THR products. Since their invention in 2003, there has been constant innovation and development of more efficient and appealing products. Currently, there are mainly three types of devices available [Dawkins, 2013], depicted in Figure 1. (1) First-generation devices, generally mimicking the size and look of regular cigarettes and consisting of small lithium batteries and cartomizers (i.e. cartridges, which are usually prefilled with a liquid that bathes the atomizer). Batteries may be disposable (to be used once only) or rechargeable. (2) Second-generation devices, consisting mainly of higher-capacity lithium batteries and atomizers with the ability to refill them with liquid (sold in separate bottles). In the most recent atomizers you can simply change the atomizer head (resistance and wick) while keeping the body of the atomizer, thus reducing the operating costs. (3) Third-generation devices (also called ‘Mods’, from modifications),

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2014, Vol. 5(2) 67–86

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**Riccardo Polosa, PhD**  
Centro per la Prevenzione  
e Cura del Tabagismo  
(CPCT) and Institute  
of Internal Medicine,  
Università di Catania,  
Catania, Italy

**creagan3 - Karina**

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**To:** HLTtestimony  
**Cc:** mauimoonflower@gmail.com  
**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM

**HB34**

Submitted on: 1/29/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sabrina Spencer	Individual	Oppose	No

Comments: This bill gives the board too much power. I oppose it.

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**Cc:** devin@pcgamerzhawaii.com  
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Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Devin Wolery	Individual	Oppose	Yes

Comments: I oppose this bill, it opens the door to more restrictive living. People are all ready paying an absurd amount of money for condo's. the condo management should be making this decision on their own. Not requiring government enforcement for something they will not be able to enforce.

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**To:** HLTtestimony  
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**HB34**

Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenny Chan	Individual	Oppose	No

Comments:

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**To:** HLTtestimony  
**Cc:** twalkey@clearwire.net  
**Subject:** Submitted testimony for HB34 on Jan 30, 2015 10:10AM

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Submitted on: 1/29/2015

Testimony for HLT on Jan 30, 2015 10:10AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ted Walkey	Individual	Oppose	No

Comments: . "The Board is be required, at the request of x% (a certain percentage) of the residents, to issue a ballot to the ownership to gain 67% approval of a bylaw change prohibiting smoking within the units."

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