



HOUSE COMMITTEE ON JUDICIARY

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Rep. Derek S.K. Kawakami
Rep. Bob McDermott
Rep. Chris Lee
Rep. Cynthia Thielen

NOTICE OF HEARING

Tuesday/Thursday/Friday, February #, 2015 at 2:00pm
Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY IN SUPPORT OF HB 586

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Tracy S. Aruga, Safety Officer, of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

In addition to the substantial loss of life and debilitating diseases caused by tobacco, tobacco use is also responsible for billions of dollars in healthcare costs and lost productivity. According to data provided by the Campaign for Tobacco-Free Kids, tobacco-related illness is annually responsible for approximately \$96 billion in public and private healthcare costs in the United States, including \$30.9 billion in Federal and state Medicaid payments, \$27.4 billion in Federal Medicare payments, and \$9.6 billion in other federal expenditures. The data further indicates that approximately \$97 billion is lost each year in productivity as a result of lives shortened by tobacco-related deaths. In Hawaii alone, data from the CDC provides that annual tobacco-related medical costs totals approximately \$336 million and lost productivity totals approximately \$308 million.

HAWAII HEALTH SYSTEMS CORPORATION

In light of the devastating effects of tobacco use, it is important for HHSC to take all available steps to protect patients, employees and visitors from exposure to tobacco products while they are on HHSC premises. Moreover, given HHSC's status as the fourth largest public health system in the nation and Hawaii's predominant health care provider on the outer islands, HHSC also has a special responsibility to set positive examples for other organizations as well as the local communities it serves. It goes without question that a tobacco-free environment on all of HHSC's premises would set a prime example of positive health practices.

With respect to e-cigarettes, preliminary research conducted by the United States Food and Drug Administration ("FDA") suggests that the ingredients contained in many e-cigarette cartridges are not free from harmful substances. Specifically, according to a July 22, 2009 news release, the FDA noted that its Division of Pharmaceutical Analysis examined the ingredients in a small sample of cartridges from two leading brands of e-cigarettes. In one sample, the FDA's analyses detected diethylene glycol, a chemical used in antifreeze that is toxic to humans. In several other samples, the FDA analyses detected carcinogens such as nitrosamines.

More recently, the California Department of Public Health ("CDPH") released a report declaring e-cigarettes a health threat in that they emit cancer-causing chemicals and get users hooked on nicotine. While both the FDA and CDPH acknowledged that supplementary testing of e-cigarettes is required to gain a more specific and comprehensive understanding of the long-term detriments of e-cigarettes, the potentially harmful effects of e-cigarettes and nicotine vapor cannot presently be ignored. As such, HHSC must additionally oppose the use of e-cigarettes on the premises of its facilities.

In short, given HHSC's mission of providing and promoting quality healthcare for the people of Hawaii, HHSC is unequivocally in support of HB 586. If enacted, patients, employees and visitors to HHSC's facilities would be free to enjoy clean, tobacco-free air on all of HHSC's properties. Additionally, employees would be given the opportunity to participate in tobacco cessation programs offered by HHSC to help them overcome their reliance on tobacco products. It is our sincere hope that patients, visitors and other employees would likewise be encouraged to quit tobacco use which, in the long run, would result in a healthier population, diminished health care costs and improved productivity.

In an effort to ensure that HB 586, if passed, is given its full effect, we respectfully request that this Committee amend HB 586 consistent with the attached draft, which adds a new "Section 3" to include HHSC's prohibition on tobacco and e-cigarette use as a management right under Haw. Rev. Stat. §89-9(d).

Thank you for the opportunity to express my support of this important measure. I appreciate the Committee's commitment to improving the health of our island communities.



Tuesday, February 24, 2015 – 2 p.m.
Conference Room #325

House Committee on Judiciary

To: Rep. Karl Rhoads, Chair
Rep. Joy San Buenaventura, Vice Chair

From: George Greene
President & CEO
Healthcare Association of Hawaii

Re: **Testimony in SUPPORT**
HB586 HD1 — Relating to Use of Tobacco Products and E-Cigarettes on Hawaii Health Systems Corporation Premises

WRITTEN
TESTIMONY ONLY

The Healthcare Association of Hawaii (HAH) is a 160 member organization that includes all of the acute care hospitals in Hawaii, the majority of long term care facilities, all the Medicare-certified home health agencies, all hospice programs, as well as other healthcare organizations including durable medical equipment, air and ground ambulance, blood bank and respiratory therapy. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to testify in **support** of HB586 HD1, which prohibits the use of tobacco products and e-cigarettes on premises of facilities operated by HHSC, and requires HHSC to offer tobacco cessation programs to its employees.

All across the country, more and more hospitals and healthcare facilities are adopting 100% smoke-free policies, reinforcing their steadfast commitment to creating and sustaining healthy communities. HHSC, in keeping with this trend, should be permitted to improve its campuses by allowing its patients, employees and visitors to enjoy the benefits of a healthy, smoke-free environment.

Thank you for the opportunity to testify in support of HB586 HD1.



To: The Honorable Karl Rhoads, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, House Committee on Judiciary

From: Lyndsey Garcia, Policy & Advocacy Director

Date: February 23, 2015

Hrg: House Committee on Judiciary; Tuesday, February 24, 2015 at 2:00PM, Room 325

Re: **Support with comments for HB 586, HD1, Relating to the Use of Tobacco Products and E-Cigarettes on Hawai`i Health Systems Corporation Premises**

Thank you for the opportunity to offer testimony in **support** of HB 586, HD1, which amends Chapter 323F, Hawaii Revised Statutes, to prohibit the use of tobacco products and e-cigarettes on the premises of all health facilities operated by the Hawai`i health systems corporation. This Bill also makes available tobacco-cessation programs for public employees of health facilities.

The Coalition for a Tobacco Free Hawai`i (Coalition) is a program of the Hawai`i Public Health Institute working to reduce tobacco use through education, policy and advocacy. Our program consists 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 supports a system-wide smoke-free and tobacco-free policy for all health systems facilities in Hawai`i as well as tobacco cessation programs for public employees of health facilities.

Smoking and tobacco use contribute to a wide range of institutional costs. These costs include employee absenteeism, extensive health care costs and increased medical insurance costs, fire risk, negative environmental impacts, and increased cleaning and maintenance costs.

Furthermore, secondhand smoke is dangerous; the 50th 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. 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.

By passing HB 586, HD1, exposure to secondhand smoke will decrease, creating a healthy environment for all residents and tourists in the state.

The Coalition recommends amending the definitions of “tobacco product” and “electronic smoking device” to be consistent with HB 940.



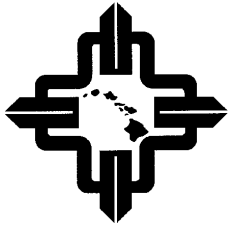
To provide continuity and avoid disparities among definitions in the Hawaii Revised Statutes, the Coalition recommends amending the proposed definitions of “tobacco product” and “electronic smoking device” to the definitions found in HB 940. HB 940 was introduced as part of the Administration’s Legislative Package relating to the regulation of tobacco products. The definitions for “tobacco product” and “electronic smoking device” in these bills are supported by the State Department of Health.

Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink that reads "Lyndsey Garcia". The signature is written in a cursive, flowing style.

Lyndsey Garcia
Policy and Advocacy Director



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

February 24, 2015
Conference Room 325
2:00 p.m.
Hawaii State Capitol

**Testimony Supporting HB 586, HD1,
Relating To Use of Tobacco Products and E-Cigarettes on
Hawaii Health Systems Corporation Premises.
Prohibits the use of tobacco products and electronic smoking devices on the
premises of the facilities operated by the Hawaii Health Systems Corporation.
Requires HHSC to offer tobacco cessation programs to its employees.**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony in **support of HB 586, HD1**, that prohibits tobacco and electronic smoking device usage on HHSC campuses state-wide.

According to the Centers for Disease Control and Prevention ("CDC"), secondhand smoke contains more than 7,000 chemicals – hundreds which are toxic to humans – and 70 that can cause cancer. An estimated 2.5 million *non-smoking* adults have died since 1964 due to the adverse effects of secondhand smoke. There are numerous health problems associated with exposure to secondhand smoke, particularly in women and infants, including more severe and frequent asthma attacks, ear infections, respiratory infections and sudden infant death syndrome ("SIDS").

HHSC is in the business of providing quality healthcare services to the communities we serve. Allowing tobacco and electronic smoking device usage at our facilities is in direct conflict with the nature of our operations. Passage of this bill would ensure our patients, employees, and visitors are protected at all times from exposure to secondhand smoke. Moreover, HHSC would be able to promote positive, healthy practices and lead by example.

In light of the foregoing, HHSC strongly supports passage of this important measure. As an additional matter, HHSC respectfully requests that this Committee amend HB

586, HD1 consistent with the attached proposed Draft. The Draft contains the following changes:

- Adopts the definitions of “electronic smoking device” and “tobacco product” contained in related bills for the sake of consistency; and
- Given the existing language stating that, “*Pursuant to section 89-9(d)*, the tobacco and electronic smoking device use prohibitions under this section shall not be subject to collective bargaining[,]” adds a new “Section 3” to include corresponding language in Haw. Rev. Stat. §89-9(d) that HHSC’s prohibition on tobacco and electronic smoking device use is a management right.

Thank you for the opportunity to testify in strong support of this measure, as well as for your consideration of our proposed amendments.

A BILL FOR AN ACT

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII
HEALTH SYSTEMS CORPORATION PREMISES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that facilities within
2 the Hawaii health systems corporation are committed to providing
3 quality healthcare for the people of Hawaii and taking steps to
4 reduce the occurrence of preventable disease. Permitting the
5 use of tobacco and other potentially dangerous substances on the
6 premises of its health facilities is inconsistent with this
7 commitment. Allowing such use would not only expose patients,
8 employees and visitors to the perils of harmful substances, but
9 would also be counterproductive to the corporation's goal of
10 reducing the occurrence of preventable disease.

11 The purpose of this Act is to promote positive health
12 practices that protect patients, employees and visitors of the
13 health facilities of the Hawaii health systems corporation from
14 exposure to second-hand smoke and other potentially harmful
15 substances by prohibiting the use of tobacco products or
16 electronic smoking devices, commonly referred to as "e-
17 cigarettes" or "electronic cigarettes", on the premises of any

1 Hawaii health systems corporation health facility and making
2 tobacco-cessation programs available to public employees of
3 those health facilities.

4 SECTION 2. Chapter 323F, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§323F- Tobacco and electronic smoking device; use
8 prohibited education. (a) The corporation shall prohibit the
9 use of any tobacco product or electronic smoking device by any
10 person on the premises of all facilities operated by the
11 corporation within the State, to the extent not prohibited by
12 federal law and regulation.

13 (b) The corporation shall provide tobacco cessation
14 programs for public employees of the corporation's health
15 facilities who are interested in participating in the programs;
16 provided that issues relating to program costs shall be subject
17 to collective bargaining.

18 (c) Pursuant to section 89-9(d), the tobacco and
19 electronic smoking device use prohibitions under this section
20 shall not be subject to collective bargaining.

21 (d) The corporation shall be responsible for educating all
22 health facility personnel, contractors, patients, and visitors
23 of the corporation's health facilities regarding the

1 prohibitions under this section. The corporation shall
2 prominently display signs stating that "tobacco and electronic
3 smoking device use is prohibited" at all entrances to the
4 corporation's health facilities and at other conspicuous
5 locations throughout the outdoor premises of each health
6 facility, in compliance with section 328J-8.

7 (e) For purposes of this section:

8 "Electronic smoking device" means any electronic product
9 that can be used to aerosolize and deliver nicotine or other
10 substances to the person inhaling from the device, including but
11 not limited to an electronic cigarette, electronic cigar,
12 electronic cigarillo, electronic pipe, hookah pipe, or hookah
13 pen, and any cartridge or other component of the device or
14 related product, whether or not sold separately.~~"Electronic
15 smoking device" means any electronic oral device, such as one
16 composed of a heating element, battery, or electronic circuit,
17 or more than one of these, that provides a vapor of nicotine or
18 any other substances for inhalation. The term shall include any
19 such device, whether manufactured, distributed, marketed, or
20 sold as an e cigarette, e cigar, e pipe, or under any other
21 product name or descriptor, but does not include any product
22 specifically approved by the United States Food and Drug~~

1 ~~Administration for use in medical treatment, such as an asthma~~
2 ~~inhaler.~~

3 "Premises" means all indoor and outdoor areas within the
4 State-designated property boundary lines of each of the
5 corporation's health facilities and shall include all employee
6 and visitor parking lots.

7 "Tobacco or electronic smoking device use" does not include
8 mere possession or storage of the same for use in locations
9 outside the premises of the corporation's health facilities.

10 "Tobacco product" means any product made or derived from
11 tobacco, that contains nicotine or other substances, and is
12 intended for human consumption or is likely to be consumed,
13 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
14 ingested by any other means, including, but not limited to, a
15 cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or
16 an electronic smoking device. "Tobacco product" does not
17 include drugs, devices, or combination products approved for
18 sale by the U.S. Food and Drug Administration, as those terms
19 are defined in the Federal Food, Drug and Cosmetic Act."

20 ~~"Tobacco product" means any substance containing tobacco leaf~~
21 ~~including but not limited to cigarettes, cigars, pipe tobacco,~~
22 ~~hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis,~~
23 ~~blunts, clove cigarettes, or any other preparations of tobacco;~~

~~and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body; but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence."~~

SECTION 3. Section 89-9, Hawaii Revised Statutes, is amended by adding a new sub-section to be appropriately designated and to read as follows:

"(d) Excluded from the subjects of negotiations are matters of classification, reclassification, benefits of but not contributions to the Hawaii employer-union health benefits trust fund, recruitment, examination, initial pricing, and retirement benefits except as provided in section 88-8(h). The employer and the exclusive representative shall not agree to any proposal which would be inconsistent with the merit principle or the principle of equal pay for equal work pursuant to section 76-1 or which would interfere with the rights and obligations of a public employer to:

(1) Direct employees;

(2) Determine qualifications, standards for

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- work, and the nature and contents of
examinations;
- (3) Hire, promote, transfer, assign, and retain employees in positions;
 - (4) Suspend, demote, discharge, or take other disciplinary action against employees for proper cause;
 - (5) Relieve an employee from duties because of lack of work or other legitimate reason;
 - (6) Maintain efficiency and productivity, including maximizing the use of advanced technology, in government operations;
 - (7) Determine methods, means, and personnel by which the employer's operations are to be conducted;
 - (8) Take such actions as may be necessary to carry out the missions of the employer in cases of emergencies; and
 - (9) In the case of the Hawaii health systems corporation, prohibit the use of tobacco products and electronic smoking devices on the premises of all health facilities

1 | operated by the corporation within the
2 | State.

3 | This subsection shall not be used to invalidate provisions of
4 | collective bargaining agreements in effect on and after June 30,
5 | 2007, and shall not preclude negotiations over the procedures
6 | and criteria on promotions, transfers, assignments, demotions,
7 | layoffs, suspensions, terminations, discharges, or other
8 | disciplinary actions as a permissive subject of bargaining
9 | during collective bargaining negotiations or negotiations over a
10 | memorandum of agreement, memorandum of understanding, or other
11 | supplemental agreement. Violations of the procedures and
12 | criteria so negotiated may be subject to the grievance procedure
13 | in the collective bargaining agreement."

14 | SECTION 4. New statutory material is underscored.

15 | SECTION 45. This Act shall take effect on July 1, 2015.

16 |

17 | INTRODUCED BY: _____

18 | BY REQUEST

19 |

20 |

H.B. NO.586

Report Title:

Hawaii Health Systems Corporation

Description:

Amends HRS Chapter 323F to prohibit the use of Tobacco products and E-cigarettes at Hawaii health systems corporation facilities.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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Thank you for the opportunity to present testimony in support of HB 586. I, Tracy S. Aruga, Safety Officer, of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

In addition to the substantial loss of life and debilitating diseases caused by tobacco, tobacco use is also responsible for billions of dollars in healthcare costs and lost productivity. According to data provided by the Campaign for Tobacco-Free Kids, tobacco-related illness is annually responsible for approximately \$96 billion in public and private healthcare costs in the United States, including \$30.9 billion in Federal and state Medicaid payments, \$27.4 billion in Federal Medicare payments, and \$9.6 billion in other federal expenditures. The data further indicates that approximately \$97 billion is lost each year in productivity as a result of lives shortened by tobacco-related deaths. In Hawaii alone, data from the CDC provides that annual tobacco-related medical costs totals approximately \$336 million and lost productivity totals approximately \$308 million.

HAWAII HEALTH SYSTEMS CORPORATION

In light of the devastating effects of tobacco use, it is important for HHSC to take all available steps to protect patients, employees and visitors from exposure to tobacco products while they are on HHSC premises. Moreover, given HHSC's status as the fourth largest public health system in the nation and Hawaii's predominant health care provider on the outer islands, HHSC also has a special responsibility to set positive examples for other organizations as well as the local communities it serves. It goes without question that a tobacco-free environment on all of HHSC's premises would set a prime example of positive health practices.

With respect to e-cigarettes, preliminary research conducted by the United States Food and Drug Administration ("FDA") suggests that the ingredients contained in many e-cigarette cartridges are not free from harmful substances. Specifically, according to a July 22, 2009 news release, the FDA noted that its Division of Pharmaceutical Analysis examined the ingredients in a small sample of cartridges from two leading brands of e-cigarettes. In one sample, the FDA's analyses detected diethylene glycol, a chemical used in antifreeze that is toxic to humans. In several other samples, the FDA analyses detected carcinogens such as nitrosamines.

More recently, the California Department of Public Health ("CDPH") released a report declaring e-cigarettes a health threat in that they emit cancer-causing chemicals and get users hooked on nicotine. While both the FDA and CDPH acknowledged that supplementary testing of e-cigarettes is required to gain a more specific and comprehensive understanding of the long-term detriments of e-cigarettes, the potentially harmful effects of e-cigarettes and nicotine vapor cannot presently be ignored. As such, HHSC must additionally oppose the use of e-cigarettes on the premises of its facilities.

In short, given HHSC's mission of providing and promoting quality healthcare for the people of Hawaii, HHSC is unequivocally in support of HB 586. If enacted, patients, employees and visitors to HHSC's facilities would be free to enjoy clean, tobacco-free air on all of HHSC's properties. Additionally, employees would be given the opportunity to participate in tobacco cessation programs offered by HHSC to help them overcome their reliance on tobacco products. It is our sincere hope that patients, visitors and other employees would likewise be encouraged to quit tobacco use which, in the long run, would result in a healthier population, diminished health care costs and improved productivity.

In an effort to ensure that HB 586, if passed, is given its full effect, we respectfully request that this Committee amend HB 586 consistent with the attached draft, which adds a new "Section 3" to include HHSC's prohibition on tobacco and e-cigarette use as a management right under Haw. Rev. Stat. §89-9(d).

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RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH
SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Jay Fincher, RPNIV of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

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Thank you for the opportunity to present testimony in support of HB 586. I Patricia Bray, Bookkeeper/Administrative Assistant, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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With respect to e-cigarettes, preliminary research conducted by the United States Food and Drug Administration ("FDA") suggests that the ingredients contained in many e-cigarette cartridges are not free from harmful substances. Specifically, according to a July 22, 2009 news release, the FDA noted that its Division of Pharmaceutical Analysis examined the ingredients in a small sample of cartridges from two leading brands of e-cigarettes. In one sample, the FDA's analyses detected diethylene glycol, a chemical used in antifreeze that is toxic to humans. In several other samples, the FDA analyses detected carcinogens such as nitrosamines.

More recently, the California Department of Public Health ("CDPH") released a report declaring e-cigarettes a health threat in that they emit cancer-causing chemicals and get users hooked on nicotine. While both the FDA and CDPH acknowledged that supplementary testing of e-cigarettes is required to gain a more specific and comprehensive understanding of the long-term detriments of e-cigarettes, the potentially harmful effects of e-cigarettes and nicotine vapor cannot presently be ignored. As such, HHSC must additionally oppose the use of e-cigarettes on the premises of its facilities.

In short, given HHSC's mission of providing and promoting quality healthcare for the people of Hawaii, HHSC is unequivocally in support of HB 586. If enacted, patients, employees and visitors to HHSC's facilities would be free to enjoy clean, tobacco-free air on all of HHSC's properties. Additionally, employees would be given the opportunity to participate in tobacco cessation programs offered by HHSC to help them overcome their reliance on tobacco products. It is our sincere hope that patients, visitors and other employees would likewise be encouraged to quit tobacco use which, in the long run, would result in a healthier population, diminished health care costs and improved productivity.

In an effort to ensure that HB 586, if passed, is given its full effect, we respectfully request that this Committee amend HB 586 consistent with the attached draft, which adds a new "Section 3" to include HHSC's prohibition on tobacco and e-cigarette use as a management right under Haw. Rev. Stat. §89-9(d).

Thank you for the opportunity to express my support of this important measure. I appreciate the Committee's commitment to improving the health of our island communities.

Thank you,

Patty Bray

Bookkeeper/Administrative Assistant to Lisa Rantz



HOUSE COMMITTEE ON JUDICIARY

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NOTICE OF HEARING

Tuesday/Thursday/Friday, February #, 2015 at 2:00 pm
Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY IN SUPPORT OF HB 586

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Bliss Amaral, HR Clerk of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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HAWAII HEALTH SYSTEMS CORPORATION

In light of the devastating effects of tobacco use, it is important for HHSC to take all available steps to protect patients, employees and visitors from exposure to tobacco products while they are on HHSC premises. Moreover, given HHSC's status as the fourth largest public health system in the nation and Hawaii's predominant health care provider on the outer islands, HHSC also has a special responsibility to set positive examples for other organizations as well as the local communities it serves. It goes without question that a tobacco-free environment on all of HHSC's premises would set a prime example of positive health practices.

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TESTIMONY IN SUPPORT OF HB 586

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Marilyn Harris, Administrator of Ka'u Hospital, East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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HAWAII HEALTH SYSTEMS CORPORATION

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TESTIMONY IN SUPPORT OF HB 586
RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS
CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Nicole E. Ward, RN, of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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In light of the devastating effects of tobacco use, it is important for HHSC to take all available steps to protect patients, employees and visitors from exposure to tobacco products while they are on HHSC premises. Moreover, given HHSC's status as the fourth largest public health system in the nation and Hawaii's predominant health care provider on the outer islands, HHSC also has a special responsibility to set positive examples for other organizations as well as the local communities it serves. It goes without question that a tobacco-free environment on all of HHSC's premises would set a prime example of positive health practices.

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More recently, the California Department of Public Health ("CDPH") released a report declaring e-cigarettes a health threat in that they emit cancer-causing chemicals and get users hooked on nicotine.

While both the FDA and CDPH acknowledged that supplementary testing of e-cigarettes is required to gain a more specific and comprehensive understanding of the long-term detriments of e-cigarettes, the potentially harmful effects of e-cigarettes and nicotine vapor cannot presently be ignored. As such, HHSC must additionally oppose the use of e-cigarettes on the premises of its facilities.

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TESTIMONY IN SUPPORT OF HB 586

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, John Stowell, RN of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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HAWAII HEALTH SYSTEMS CORPORATION

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RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Nora B Waters, RPN III of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

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Thank you for the opportunity to express my support of this important measure. I appreciate the Committee's commitment to improving the health of our island communities.

Nora B. Waters, MSN, CNS, RN
Policy & Procedure Coordinator
Hilo Medical Center
1190 Waianuenue Avenue, Hilo, Hawaii 96720
808-974-3417 808-9698589 (WIFI)
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TESTIMONY IN SUPPORT OF HB 586
RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH
SYSTEMS CORPORATION PREMISES.

Thank you for the opportunity to present testimony in support of HB 586. I, Carol Jennings, Secretary III of the East Hawaii Region of Hawaii Health Systems Corporation, am in support of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

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Carol Jennings

Human Resources Secretary III

East Hawai'i Region, HHSC

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TESTIMONY IN SUPPORT OF HB 586

**RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII
HEALTH SYSTEMS CORPORATION PREMISES.**

Thank you for the opportunity to present testimony in support of HB 586. I, Pam Bruce RN of the East Hawaii Region of Hawaii Health Systems Corporation, am **in support** of this bill to prohibit the use of tobacco products and e-cigarettes on premises of the facilities operated by HHSC and require the corporation to offer tobacco cessation programs to employees.

The vast body of scientific evidence in recent history indisputably establishes the hazardous health effects of direct and second-hand exposure to tobacco products. In a 2005 study conducted by the Center for Disease Control and Prevention (hereinafter, "CDC"), the CDC surveyed mortality rates connected with tobacco use in a four year period and concluded that tobacco use is the foremost preventable cause of death in the United States. In particular, during the survey period, tobacco use was determined to be responsible for an estimated 438,000 deaths per year, or about one out of every five deaths. Other data provided by the CDC estimates that approximately 8.6 million people in the United States are currently afflicted with serious illnesses attributable to tobacco use.

In addition to the substantial loss of life and debilitating diseases caused by tobacco, tobacco use is also responsible for billions of dollars in healthcare costs and lost productivity. According to data provided by the Campaign for Tobacco-Free Kids, tobacco-related illness is annually responsible for approximately \$96 billion in public and private healthcare costs in the United States, including \$30.9 billion in Federal and state Medicaid payments, \$27.4 billion in Federal Medicare payments, and \$9.6 billion in other federal expenditures. The data further indicates that approximately \$97 billion is lost each year in productivity as a result of lives shortened by tobacco-related deaths. In Hawaii alone, data from the CDC provides that annual tobacco-related medical costs totals approximately \$336 million and lost productivity totals approximately \$308 million.

In light of the devastating effects of tobacco use, it is important for HHSC to take all available steps to protect patients, employees and visitors from exposure to tobacco products while they are on HHSC premises. Moreover, given HHSC's status as the fourth largest public health system in the nation and Hawaii's predominant health care provider on the outer islands, HHSC also has a special responsibility to set positive examples for other organizations as well as the local communities it serves. It goes without question that a

tobacco-free environment on all of HHSC's premises would set a prime example of positive health practices.

With respect to e-cigarettes, preliminary research conducted by the United States Food and Drug Administration ("FDA") suggests that the ingredients contained in many e-cigarette cartridges are not free from harmful substances. Specifically, according to a July 22, 2009 news release, the FDA noted that its Division of Pharmaceutical Analysis examined the ingredients in a small sample of cartridges from two leading brands of e-cigarettes. In one sample, the FDA's analyses detected diethylene glycol, a chemical used in antifreeze that is toxic to humans. In several other samples, the FDA analyses detected carcinogens such as nitrosamines.

More recently, the California Department of Public Health ("CDPH") released a report declaring e-cigarettes a health threat in that they emit cancer-causing chemicals and get users hooked on nicotine. While both the FDA and CDPH acknowledged that supplementary testing of e-cigarettes is required to gain a more specific and comprehensive understanding of the long-term detriments of e-cigarettes, the potentially harmful effects of e-cigarettes and nicotine vapor cannot presently be ignored. As such, HHSC must additionally oppose the use of e-cigarettes on the premises of its facilities.

In short, given HHSC's mission of providing and promoting quality healthcare for the people of Hawaii, HHSC is unequivocally in support of HB 586. If enacted, patients, employees and visitors to HHSC's facilities would be free to enjoy clean, tobacco-free air on all of HHSC's properties. Additionally, employees would be given the opportunity to participate in tobacco cessation programs offered by HHSC to help them overcome their reliance on tobacco products. It is our sincere hope that patients, visitors and other employees would likewise be encouraged to quit tobacco use which, in the long run, would result in a healthier population, diminished health care costs and improved productivity.

In an effort to ensure that HB 586, if passed, is given its full effect, we respectfully request that this Committee amend HB 586 consistent with the attached draft, which adds a new "Section 3" to include HHSC's prohibition on tobacco and e-cigarette use as a management right under Haw. Rev. Stat. §89-9(d).

Thank you for the opportunity to express my support of this important measure. I appreciate the Committee's commitment to improving the health of our island communities.

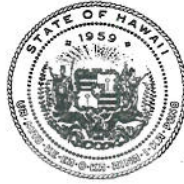
Pam Bruce RN Nurse Manager
Hilo Medical Center

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Salomon	Individual	Support	No

Comments: I support this bill. Please note that UPW has filed a grievance against HHSC that is currently at the arbitration level regarding the hospitals' Tobacco Free Campus policies. Healthcare facilities should be setting the example for our communities

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:



LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB0586,HD1
RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII
HEALTH SYSTEMS CORPORATION PREMISES**

**REPRESENTATIVE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY**

Hearing Date: February 24, 2015

Room Number: 325

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports HB0586,HD1 which
3 prohibits tobacco or e-cigarette use on Hawaii Health Systems Corporation (HHSC) premises
4 and acknowledges HHSC for offering tobacco cessation and education. DOH agrees with
5 replacing all references to “e-cigarettes” with “electronic smoking devices” (ESD). DOH defers
6 to the HHSC as to implementation and labor concerns.

7 Tobacco use is primarily a health issue. The scientific findings from the 2006 U.S.
8 Surgeon General’s Report, “The Health Consequences of Involuntary Exposure to Tobacco
9 Smoke,” disclosed that there is no safe level or amount of exposure to secondhand smoke. The
10 Report further stated that hospitals with tobacco-free policies are particularly effective because
11 they not only protect patients from secondhand smoke exposure but also project a positive,
12 healthy image, send a consistent message, and also encourage and support tobacco use cessation
13 among both patients and staff.

14 The 2014 Centers for Disease Control and Prevention publication, “Best Practices for
15 Comprehensive Tobacco Control Programs” reaffirms that “Systems changes within health care
16 organizations complement interventions in state and community settings by institutionalizing
17 sustainable approaches that support positive individual behavior change.”

18 HHSC is demonstrating its commitment to providing quality healthcare to the
19 people of Hawaii and taking tangible steps to prevent tobacco-related diseases. The
20 proposed measure will prohibit the use of tobacco products and electronic smoking devices

1 and protect patients, employees, and visitors to the health facilities of the HHSC and will
2 assist those who smoke through tobacco cessation programs and education.

3 **Offered Amendments:** The DOH recommends that the definitions included in HB0586,HD1 be
4 amended to be consistent with those approved by the State Attorney General, as follows:

5 The term "Electronic smoking device" is suggested to read:

6 "any electronic product that can be used to aerosolize and deliver nicotine or other
7 substances to the person inhaling from the device, including but not limited to an
8 electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, hookah pipe,
9 or hookah pen, and any cartridge or other component of the device or related product,
10 whether or not sold separately."

11 The term "Tobacco product" is suggested to read:

12 "any product made or derived from tobacco, that contains nicotine or other substances,
13 and is intended for human consumption or is likely to be consumed whether smoked,
14 heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including,
15 but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an
16 electronic smoking device. "Tobacco product" does not include drugs, devices, or
17 combination products approved for sale by the U.S. Food and Drug Administration, as
18 those terms are defined in the Federal Food, Drug, and Cosmetic Act."

19 The terms "Smoke" or "smoking" to be added and read as:

20 "inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant
21 product intended for inhalation in any manner or in any form. "Smoking" includes the
22 use of an electronic smoking device."

23 The DOH supports this measure with recommendations and offers assistance with
24 education and signage.

25 Thank you for the opportunity to testify.



LATE

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Judiciary

Testimony by
Hawaii Government Employees Association
February 24, 2015

H.B. 586, H.D. 1 – RELATING TO USE OF
TOBACCO PRODUCTS AND E-CIGARETTES
ON HAWAII HEALTH SYSTEMS
CORPORATION PREMISES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the general purpose and intent of H.B. 586, H.D. 1, which is to encourage health practices that protects patients, employees and visitors by prohibiting the use of tobacco products or electronic smoking devices on the premises of any Hawaii Health Systems Corporation (HHSC) facility. The bill also makes smoking cessation programs available to HHSC employees.

However, we have objections to certain parts of the bill. We do not agree that tobacco and electronic smoking device prohibitions should be excluded entirely from collective bargaining. Matters of this importance should at least be subject to consultation as required under Section 89-9 (c), HRS and our collective bargaining agreements. We further object to the proposal that smoking cessation programs under H.B. 586, H.D.1 be considered a cost item under collective bargaining. This inconsistency is problematic; if considered a cost item there would be no incentive for employees to bargain for the creation of such programs if the costs conflicted with their wage and health plan interests. The costs of smoking cessation programs should be part of the operating budget of the HHSC, not collective bargaining.

Finally, we are concerned with the implementation of this policy. Cigarette smoking and other forms of tobacco use are an addiction and quitting the use of these products is often very difficult. Therefore, we question whether the HHSC has developed a well thought out plan for employees to stop smoking or using electronic cigarettes. Thank you for the opportunity to testify on H.B. 586, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

LATE



Testimony in SUPPORT of HB 586, HD1, “Relating to Use of Tobacco Products and E-Cigarettes on Hawaii Health Systems Corporation Premises”

The American Heart Association **SUPPORTS** HB 586, HD1.

Supporting hospitals in becoming tobacco-free is one of the American Heart Association’s national policy goals.

Tobacco use is one of the leading preventable risk factors for cardiovascular diseases. As we’ve learned through our policy efforts to restrict smoking in public and work places, such policies not only reduce exposure to non-smokers of deadly environmental tobacco smoke, but also have the added benefit of changing the public norms regarding tobacco use. The Hawaii Health Systems Corporation’s desire to eliminate tobacco use on its campuses will further send the clear message to the community that tobacco use is no longer encouraged in our society, and help support those who continue to use tobacco, but want to quit, to achieve the goal of cessation.

Please support HB 586, HD1.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald B. Weisman".

Donald B. Weisman
Hawaii Government Relations Director

*“Building healthier lives,
free of cardiovascular
diseases and stroke.”*

life is why™ es por **la vida™** 全为**生命™**

Please remember the American Heart Association in your will.



LATE

Katherine T. Kupukaa
Mililani Town, HI 96789

COMMITTEE ON JUDICIARY
Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

DATE: Tuesday, February 24, 2015

TIME: 2:00 pm

PLACE: Conference Rm. 325

State Capitol

415 South Beretania Street

Re: Oppose HB 586 Relating to use of Tobacco products and E-cigarettes on Hawaii Health Systems Corporation Premises.

While I am opposed to smoking of tobacco products, I am not opposed to the use of electronic smoking devices. I am not affected by the vapor. Whereas the smoke from tobacco products affects my ability to breathe clean air, the vapor from the electronic device has not affected me. Please allow individuals to smoke their electronic devices. I see no harmful effects of the vapor. I urge you to not pass this bill.

Thank you for allowing me to voice my concern.