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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2083

A BILL FOR AN ACT RELATING TO
THE STATEWIDE TRAFFIC CODE

COMMITTEE ON JUDICIARY AND LABOR
Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON WAYS AND MEANS
Sen. Gilbert Jill N. Tokuda, Chair
Sen. Donovan M. Dela Cruz, Vice Chair

Tuesday, March 1, 2016, 10:30 AM
State Capitol, Conference Room 211

Honorable Chairs, Keith-Agaran and Tokuda, Honorable Vice-Chairs Shimabukuro and Dela Cruz, and members of the Committees on Judiciary and Labor, and Ways and Means, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2083.

This measure prohibits smoking in a motor vehicle in which a minor is present.

Many restrictions are placed on drivers' behaviors; these are justified as protection of the public health and safety. The motivation to protect children from secondhand smoke and vapor from Electronic Smoking Devices in vehicles are valid extensions of this principle.

Other states have demonstrated that such regulations are valid and also enforceable. Across the nation, seven states have passed laws to prohibit smoking when children and young people are present – this year, 12 additional states are considering similar legislation. Passage of the Bill will show that Hawaii can continue to be an example for other states in the nation in promoting safe, clean, smoke-free, and healthy environments for our residents and families.

For the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 2083. Thank you for the opportunity to testify on this matter.



SB2083
RELATING TO THE STATEWIDE TRAFFIC CODE.
Senate Committee on Judiciary and Labor
Senate Committee on Ways and Means

March 1, 2016

10:30 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2083, which prohibits smoking in a motor vehicle in which a minor is present. This bill may help to significantly decrease the rates of smoking and its associated chronic diseases, including the adverse health effects associated with childhood second-hand smoke exposure.

OHA's strategic priorities include Maui Ola (Health), which represents our commitment to improve the conditions of Native Hawaiians and their quality of life by improving family lifestyle choices and reducing the onset of chronic diseases. Consistent with this strategic priority, OHA supports tobacco use reduction efforts, such as that proposed in this measure. Smokers and those chronically exposed to secondhand smoke are at increased risk for a plethora of medical conditions, including heart disease, stroke, respiratory ailments, diabetes, eye disease, dental problems, and arthritis. Tobacco smoke can also trigger asthma and increase blood pressure due to damaged blood vessels.¹ Preventative measures to reduce tobacco use and the harmful effects of secondhand smoke are particularly important for Native Hawaiians, as Native Hawaiian adult and youth tobacco use rates are significantly higher than the state average.²

By prohibiting smoking in cars in which a child is present, this measure may directly reduce both the rate of smoking among adults with children, as well as the rate of childhood second-hand smoke exposure. In addition, the enactment of the proposed prohibition may serve to educate all residents regarding the dangers of second-hand smoke exposure to children. Notably, seven states, along with Puerto Rico and Guam, have already passed similar legislation prohibiting adults from smoking in a motor vehicle when a child is present.

Accordingly, OHA urges the Committee to **PASS** SB2083. Mahalo nui for the opportunity to testify on this important measure.

¹ See OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN HEALTH FACT SHEET 2015, VOL.2, FAMILY LIFESTYLE CHOICES, available at <http://www.oha.org/wp-content/uploads/Volume-II-Family-Lifestyle-Choices-FINAL.pdf>.

² Data indicate that 15.3% of Native Hawaiian public high school students smoke, compared to a 8.7% statewide average. Additionally, 27.4% of Native Hawaiian adults are smokers, compared to a 16.8% statewide average. See *id.* at 9.

LATE TESTIMONY

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair The Honorable Maile Shimabukuro, Vice Chair Members of the Senate Committee on Judiciary and Labor

The Honorable Jill Tokuda, Chair

The Honorable Donovan Dela Cruz, Vice Chair Members of the Senate Committee on Ways and Means

Re: Strong Support for SB2083, Relating to the Statewide Traffic Code

Hrg: March 1, 2016 at 10:30am at Capitol Room 211

I strongly support SB2083 which urges the State of Hawai'i to prohibit smoking in a motor vehicle when a minor is present.

We need to protect our children from secondhand smoke. Secondhand smoke in a car can be up to ten times more toxic than what the EPA considers unhealthy air quality, even when a window is down.

Thousands of children breathe in secondhand smoke in their own homes and cars daily. Inhaling secondhand smoke is especially harmful because children's lungs are still developing. Every time they inhale secondhand smoke, they breathe in 7,000 chemicals, 200 of which are poisonous, and 50 are known to cause cancer.

Regular exposure to secondhand smoke can increase absenteeism for children, and even require trips to the hospital. Inhaling toxic smoke compromises their ability to perform well in school and engage in physical activity.

Smoke-free car laws, just like child safety seats, seat belts, and no cellphone use while driving laws, help to protect the health and safety of our children and are enforced in similar ways. Passing smoke-free cars into law will help decrease our children's exposure to secondhand smoke and educate parents and other adults about the dangers of smoking in a car when a minor is present.

Hawai'i has been a leader in protecting everyone from the dangers of secondhand smoke, I ask that you take this step to protect our children and young people from the harmful impacts of smoking in a vehicle.

I respectfully ask that you pass SB 2083, and help make Hawai'i the 8th state to eliminate smoking in cars when a minor is present.

Mahalo,

Jerome Lee

Honolulu, HI 96826

LATE TESTIMONY

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair The Honorable Maile Shimabukuro, Vice Chair Members of the Senate Committee on Judiciary and Labor

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Mahalo,

Helen B

Makawao, HI 96768

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Mahalo,

Michele Nihipali

Hauula, HI 96717

LATE TESTIMONY

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Hawai'i has been a leader in protecting everyone from the dangers of secondhand smoke, I ask that you take this step to protect our children and young people from the harmful impacts of smoking in a vehicle.

I respectfully ask that you pass SB 2083, and help make Hawai'i the 8th state to eliminate smoking in cars when a minor is present.

Mahalo,

Lenard Allen
Hilo, HI 96720

LATE TESTIMONY

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair The Honorable Maile Shimabukuro, Vice Chair Members of the Senate Committee on Judiciary and Labor

The Honorable Jill Tokuda, Chair

The Honorable Donovan Dela Cruz, Vice Chair Members of the Senate Committee on Ways and Means

Re: Strong Support for SB2083, Relating to the Statewide Traffic Code

Hrg: March 1, 2016 at 10:30am at Capitol Room 211 As a pediatrician and medical director of the HEALTHY Quit Smoking Program at Kapi'olani Medical Center for Women & Children, I strongly support SB 2083, which encourages the State of Hawai'i to prohibit smoking in a motor vehicle when a minor is present. I have seen children come to our clinic and hospital with asthma exacerbation, pneumonia, bronchitis, middle ear infection, and other health issues that are worsened by exposure to secondhand tobacco smoke.

Children do not have a choice when they are placed in cars with smoking adults, and therefore are forced to inhale toxins that affect their health. This exposure affects them significantly, even if the car windows are open. Tobacco smoke and byproducts cling to the car's interior and to the child's hair, skin, and clothing. Allowing smoking in cars with children is the equivalent of putting a child in the space the size of a closet and then lighting a grill in that same space.

Electronic cigarettes and vaping devices should also be included in these regulations, too. Electronic smoking devices take a mixture of chemicals, including nicotine, and vaporize it at high temperatures. These devices emit nicotine byproducts and a variety of other chemicals, and they have not been fully studied in regards to safety. E-cigarette vapor has been shown to include carcinogens and toxins including nicotine, nitrosamines, diethylene glycol, formaldehyde, and acetaldehyde. The U.S. Food and Drug Administration has exhibited concern regarding the safety of electronic smoking devices as well.

Hawai'i has been a leader, protecting the public and its visitors from the dangers of secondhand smoke, and now, the State Legislature has the opportunity to protect its children and young people from the harmful impacts of smoking in a vehicle. Across the nation, seven states have passed laws to prohibit smoking when children and young people are present. This year, 12 additional states are considering similar legislation. We hope that Hawai'i can continue being an example for other states in the nation in promoting clean, smoke-free, and healthy environments for our residents and families by passing SB 2083.

Sincerely,

Bryan Mih, MD, MPH, FAAP
Pediatrician

LATE TESTIMONY

Date: February 29, 2016

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Hawai'i has been a leader in protecting everyone from the dangers of secondhand smoke, I ask that you take this step to protect our children and young people from the harmful impacts of smoking in a vehicle.

I respectfully ask that you pass SB 2083, and help make Hawai'i the 8th state to eliminate smoking in cars when a minor is present.

Mahalo,

Brooke Isa

Hilo, HI 96720

LATE TESTIMONY

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I respectfully ask that you pass SB 2083, and help make Hawai'i the 8th state to eliminate smoking in cars when a minor is present.

Mahalo,

Kristian Leming

Kaneohe, HI 96744

LATE TESTIMONY

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Mahalo,

Nan Pheatt

Kailua-kona, HI 96740

LATE TESTIMONY

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Mahalo,

Nicole Xavier
Kapolei High School

LATE TESTIMONY

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Mahalo,

Annie Schaupp

Keaau, HI 96749

LATE TESTIMONY

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Mahalo,

Deborah Nava

Kealahou, HI 96750

LATE TESTIMONY

From: Boyd, Manager Richard Boyd
To: JDL Testimony
Subject: Strong Support for SB2083, Relating to the Statewide Traffic Code
Date: Monday, February 29, 2016 5:02:30 PM

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair
The Honorable Maile Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

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Mahalo,

Boyd, Manager Richard Boyd

[REDACTED]
[REDACTED]

Honolulu, HI 96825

LATE TESTIMONY

From: Lorrie Ann Santos
To: JDL Testimony
Subject: Strong Support for SB2083, Relating to the Statewide Traffic Code
Date: Monday, February 29, 2016 5:47:16 PM

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair
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Mahalo,

Lorrie Ann Santos
[REDACTED]
Kaneohe, HI 96744

LATE TESTIMONY

From: Nikki-Marie Bell
To: JDL Testimony
Subject: Strong Support for SB2083, Relating to the Statewide Traffic Code
Date: Monday, February 29, 2016 7:37:00 PM

Date: February 29, 2016

To: The Honorable Gilbert Keith-Agaran, Chair
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Mahalo,

Nikki-Marie Bell

[REDACTED]
[REDACTED]
[REDACTED]