



COALITION FOR A
TOBACCO-FREE HAWAII

To: The Honorable Josh Green, Chair, Committee on Health
The Honorable Glenn Wakai, Vice Chair, Committee on Health
Members, Senate Committee on Health
From: Jessica Yamauchi, Executive Director
Date: February 11, 2015
Hrg: Senate Committee on Health; Friday, February 13, 2015 at 1:35 p.m. in Rm 414

Re: **Support for SB 802, Relating to Smoking, with recommendation**

Thank you for the opportunity to offer testimony in **support of SB 802**, 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 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 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 SB 802 and recommends amending the definitions of “tobacco product” and “e-cigarette” to be consistent with SB 1109 and HB 940.

To provide continuity and avoid disparities among ESD definitions in the Hawaii Revised Statutes, the Coalition recommends amending the proposed definitions of “tobacco product” and “e-cigarette” to the definitions for “tobacco product” and “electronic smoking device” in SB 1109 and HB 940, companion bills introduced as part of the Administration’s Legislative Package relating to the regulation of tobacco products.

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 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.¹ The International Agency for Research on Cancer and the U.S. Environmental Protection Agency both note that

¹ 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.



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.

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, “At 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.”²

The Coalition supports SB 802 and respectfully asks the committee to pass the measure.

Respectfully,

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

Jessica Yamauchi, MA
Executive Director

² ASHRAE Position Document on Environmental Tobacco Smoke Reaffirmed by ASHRAE Technology Council, June 25, 2013.

[file:///C:/Users/jyamauchi/Downloads/ASHRAE_PD_Environmental_Tobacco_Smoke_2013%20\(1\).pdf](file:///C:/Users/jyamauchi/Downloads/ASHRAE_PD_Environmental_Tobacco_Smoke_2013%20(1).pdf)

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: kalelekai002@hawaii.rr.com
Subject: Submitted testimony for SB802 on Feb 13, 2015 13:35PM
Date: Wednesday, February 11, 2015 10:20:37 AM

SB802

Submitted on: 2/11/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Takumi	Individual	Oppose	No

Comments: It appears it will require a simple majority of owners to approve banning smoking, however, I believe this is unfair to the current smoking owners who had purchased their units with the understanding that smoking is allowed. If approved, this should have a grandfather clause similar to HRS 514B-156 which allows an owner to keep a pet after a bylaw change prohibiting pets, if they own a pet when the change occurs. Smokers should be allowed to continue smoking in their units until they move from the association.

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SB802

Submitted on: 2/11/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Watanabe	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for SB802 on Feb 13, 2015 13:35PM*
Date: Wednesday, February 11, 2015 10:48:30 AM

SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Chris Anton	Individual	Oppose	No

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SB802

Submitted on: 2/10/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wells	Individual	Oppose	No

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Silva	Individual	Oppose	No

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

**Testimony in SUPPORT of SB0802
RELATING TO SMOKING**

SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: February 13, 2015

Room Number: 414

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports this measure to protect the
3 tenants in condominiums and housing corporations from exposure to secondhand smoke (SHS).

4 SHS incursions in multi-unit housing, such as condominiums and apartments, are a
5 common and pervasive problem in Hawaii and the United States. A nationally representative
6 study published in August 2014 of the American Journal of Public Health, "Tobacco Incursions
7 in Multi-Unit Housing," found that approximately 30% of survey respondents reported smoke
8 incursions in their buildings, and 16% of these reported incursions in their own unit. In Hawaii,
9 approximately 40% of the complaint calls received by the DOH, regarding SHS exposure, are
10 about infiltration in multi-unit housing. Moreover, the U.S. Census data indicates that 38% of
11 housing in Hawaii is represented by multi-unit structures as compared to the national average of
12 26%.

13 Smoke-free policies in housing are increasing as a protective strategy around the country.
14 Between 2000 to 2014, the number of public housing authorities with smoke-free policies
15 increased from 2 to 500, and this number continues to grow. As of 2015, all tax credit and
16 affordable housing to be constructed will be smoke-free according to Hawaii Housing and
17 Finance Development Corporation policy. Furthermore, many market-rate properties are also
18 adopting voluntary policies for their communities.

19 SHS contains 7,000 chemicals, of which 69 are known carcinogens. The scientific
20 findings from the 2006 U.S. Surgeon General's Report, "The Health Consequences of
21 Involuntary Exposure to Tobacco Smoke," disclosed that there is no safe level or amount of

1 exposure to SHS; even small amounts can be harmful, especially to the cardiovascular and
2 respiratory systems. SHS can lead to heart disease, lung cancer and can also trigger heart
3 attacks. Exposure is associated with asthma, ear infections and Sudden Infant Death Syndrome
4 in children.

5 Smoke-free policies are evidence-based strategies recommended to completely eliminate
6 exposure to SHS. According to the American Society of Heating, Refrigerating, and Air-
7 Conditioning Engineers, ventilation and other air filtration technologies cannot eliminate all the
8 health risks caused by SHS exposure. The Center for Energy and the Environment, confirms that
9 approximately 65% of the air is shared between units in apartment buildings. In other words, if
10 one person smokes, SHS can potentially affect all other units in the building.

11 The 2014 Hawaii State Legislature enacted a groundbreaking law that prohibits smoking
12 in all public housing across the state, affecting approximately 23,000 residents in Hawaii. The
13 DOH supports this measure that will enable providers of market-rate and affordable housing to
14 provide similar health and safety protections for tenants in other types of multi-unit housing.
15 Hawaii has an above average number of multi-unit dwellers and dwellings as compared to the
16 rest of the nation. By passing this measure, many individuals in Hawaii will be given a greater
17 opportunity to choose a home without the threat of being exposed to the hazards of SHS.

18 **Offered Amendments:** The DOH suggests amending the measure to use the term “electronic
19 smoking device” in place of “e-cigarette.”

20 Thank you for the opportunity to testify.

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Stevens	Individual	Oppose	No

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SB802

Submitted on: 2/11/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	No

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Date: Thursday, February 12, 2015 7:28:00 AM

SB802

Submitted on: 2/12/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Mark Dietrich	Individual	Oppose	No

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SB802

Submitted on: 2/12/2015

Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Dietrich	Individual	Oppose	No

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SB802

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Testimony for HTH on Feb 13, 2015 13:35PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi C. Liu	Individual	Oppose	No

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Winters	Individual	Oppose	No

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Adams	Hawaii community pharmacy association	Support	No

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina Spencer	Individual	Oppose	No

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support@volcanoecigs.com

February 12, 2015

TO: GREEN, BAKER, Dela Cruz, English, Nishihara, Ruderman, Taniguchi, Wakai

From: Scott Rasak, VOLCANO Fine Electronic Cigarettes® Vice President

RE: SB802 – oppose.

Thank you for the opportunity to submit testimony.

VOLCANO Fine Electronic Cigarettes® is the largest manufacturer and retailer of vapor products and vaping accessories in the State of Hawaii. We currently own and operate 11 locations statewide and employ over 100 full-time workers to support sales of our products not only here in Hawaii, but to all 50 states as well as Japan and the UK. We stand in opposition to SB802 for the following:

- Vapor products contain no tobacco, produce no smoke, and have not been demonstrated to have the detrimental effects of combustible tobacco products. In fact, the FDA has taken appropriate and proportional regulation seriously and to date has not issued regulations for the product because they seemingly understand the potential this product has to switch people over from actual tobacco, which kills 480,000 people per year. Further, Mitch Zeller, Director of the Center for Tobacco Products at the FDA recently stated:
 - "If a current smoker, otherwise unable or unwilling to quit, completely substituted all of the combusting cigarettes that they smoked with an electronic cigarette at the individual level, that person would probably be significantly reducing their risk."



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(<http://thedianerehmshow.org/shows/2014-01-21/new-health-risks-cigarette-smoking/transcript>)

- In sharp contrast to indoor smoke free policies/laws (which are largely self enforced because of broad public support), please note that it is also impossible to enforce an e-cigarette usage ban (since the products can be used discreetly without anyone else knowing). By simply waiting a few seconds before exhaling, no visible vapor is exhaled by e-cigarette users, and as such, nobody will know that anyone is even using an e-cigarette. Despite widespread usage in cities and states that have banned e-cigarette use where smoking is banned, there is no record of any fine or citation being given. Enacting unwarranted and unenforceable regulations carries the risk of unintended consequences like sending former smokers back to combustible tobacco products; harming their health and undermining the mandate of the state to promote viable alternatives to known killers.
- The Food and Drug Administration (FDA) has wisely taken its time on developing regulations for the vapor product industry and has not determined that these products are in fact tobacco products . At this time, with the exception of youth access laws targeted at keeping electronic cigarettes out of the hands of those below the age of 18, we feel that any action by state legislatures with regard to electronic cigarettes is premature.
- Over the years that we have been in business in the state, we have provided a product that tens of thousands of customers use every day to greatly reduce their tobacco use or quit smoking altogether. This has improved the lives of smokers and ex-smokers in this state. The removal of secondhand smoke has helped non-smokers as well and has cut down



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on the amount of butt discard in our community.

- Numerous studies conducted on e-cigarettes have found that e-cigarettes emit no hazardous levels of any constituents, and that levels of nitrosamines in e-cigarettes are nearly identical (i.e. very little if any) to those in nicotine gums and patches. Those studies are attached to this presentation.
- Burstyn, I. Peering through the mist: What does the chemistry of contaminants in electronic cigarettes tell us about health risks? BMC Public Health. January 2014. (concluding that there is no risk to bystanders exposed to electronic cigarette vapor)

<http://www.biomedcentral.com/1471-2458/14/18/abstract>

- Goniewicz ML, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. Tobacco Control. March 2013. (testing of the vapor from twelve different electronic cigarettes, cigarette smoke, and the aerosol of the FDA-approved nicotine inhaler revealed that electronic cigarette vapor contains 9-450x less toxicants and chemicals when compared to secondhand smoke, with the authors noting that the trace levels present were comparable to what is released from the nicotine inhaler)

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.abstract>

- Siegel, M, et. al. Electronic cigarettes as a harm reduction strategy for tobacco control:

A step forward or a repeat of past mistakes. Journal of Public Health Policy.



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December 2010. (reviewing the evidence and concluding that there is no evidence electronic cigarettes pose risks to users and bystanders that is in any way comparable to cigarettes)

<http://www.palgrave-journals.com/jphp/journal/v32/n1/full/jphp201041a.html>

- Trehy, et. al. Analysis of electronic cigarette cartridges, refill solutions, and smoke for nicotine and nicotine related impurities. August 2011. (finding no harmful levels of any chemical in electronic cigarettes)

<http://www.tandfonline.com/doi/abs/10.1080/10826076.2011.572213>

Thank you for your time and consideration. If you have any questions, please feel free to contact me or Volcano's representative Celeste Nip at nipfire@me.com.

Sincerely,

Scott Rasak ,Vice President

VOLCANO Fine Electronic Cigarettes®

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SB802

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Submitted By	Organization	Testifier Position	Present at Hearing
Vincent Leong	Individual	Support	No

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