

SB134

Measure Title: RELATING TO THE UNIVERSITY OF HAWAII.

Report Title: University of Hawaii; Smoking; Tobacco; Electronic Smoking Devices; Prohibition

Description: Prohibits smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawaii.

Companion: [HB429](#)

Package: None

Current Referral: CPH/HRE, JDL

Introducer(s): K. KAHELE (Introduced by request of another party)



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

**Testimony in SUPPORT of S.B. 134
RELATING TO THE UNIVERSITY OF HAWAII**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR KAIALI'I KAHELE, CHAIR
COMMITTEE ON HIGHER EDUCATION

Hearing Date: February 7, 2017

Room Number: 224

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports S.B. 134 as a public health
3 measure which establishes tobacco-free policies, including electronic smoking devices (ESD),
4 for all University of Hawaii (UH) System premises. The purpose of this measure is to promote
5 positive health practices and to protect UH students, employees, and visitors by prohibiting
6 smoking and from exposure to secondhand smoke, including the use of ESDs and other tobacco
7 products.

8 Tobacco use continues to be the leading preventable cause of death and disability in the
9 United States and Hawaii.¹ Cigarette smoking alone is responsible for more deaths than
10 HIV/AIDS, alcohol, motor vehicle crashes, homicide, suicide, and illegal drugs combined.² In
11 an effort to protect youth and young adults against this epidemic, the U.S. Department of Health
12 and Human Services (DHHS) partnered with leading policy and educational experts to launch
13 the Tobacco-Free College Campus Initiative (TFCCI) in the fall of 2012.³ Former U.S. Assistant
14 Secretary for Health, Dr. Howard Koh, one of the founders of this initiative stated that having
15 tobacco-free college campuses was an important opportunity to protect over 20 million people on
16 college and university campuses across the nation.⁴

17 The American Nonsmokers' Rights Foundation reported that as of January 2017, nearly
18 1,500 colleges and universities across the country have adopted a 100 percent tobacco-free

1 policy.⁵ Establishing the UH System tobacco-free policy would demonstrate Hawaii’s continued
2 commitment to health. The benefits go beyond health; according to the Centers for Disease
3 Control and Prevention (CDC) and the Global Advisors for Smokefree Policy, smoke-free
4 campuses will increase productivity and decrease the use of sick time, decrease the risk of fire,
5 and possible decreased maintenance expense for facilities and grounds in managing related litter.

6 The predominant age group to be impacted by the tobacco free policy are younger adults.
7 Although the prevalence of adult smokers has declined due to either quitting smoking or
8 premature death, youth and young adults remain the sole source of “replacement smokers” by the
9 tobacco industry. According to the U.S. Surgeon General, nearly 9 out of 10 smokers start
10 smoking by age 18, and 99% start by age 26.⁶ In Hawaii, 15.3% of adults aged 18-24 are current
11 smokers.⁷ Intervening during a critical age juncture by creating a tobacco-free UH System
12 would positively impact approximately 50,000 students across all ten campuses.⁸

13 Thank you for the opportunity to provide testimony.

14 **Offered Amendments:** NONE

15

¹ U.S. Centers for Disease Control and Prevention. (December 28, 2016). *Burden of Tobacco Use in the U.S.*
<https://www.cdc.gov/tobacco/campaign/tips/resources/data/cigarette-smoking-in-united-states.html>

² Campaign for Tobacco-Free Kids. (January 3, 2017). Toll of Tobacco in the United States.
https://www.tobaccofreekids.org/facts_issues/toll_us/

³ U.S. Department of Health and Human Services. (2012). *About the TFCCI.* <http://tobaccofreecampus.org/aboutpage>

⁴ U.S. Department of Health and Human Services. (2012). *Official Launch- September 12, 2012.*
<http://tobaccofreecampus.org/symposium>

⁵ Americans for Nonsmokers’ Rights. (January 2, 2017). *Colleges and Universities.*
<http://nosmoke.org/goingsmokefree.php?id=447>

⁶ U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: *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, 2012.

⁷ *Hawaii Health Data Warehouse, Hawaii State Department of Health, Behavioral Risk Factor Surveillance System, 2015.*

⁸ University of Hawai’i. (2009). *Institutional Research and Analysis Office. University of Hawai’i System- Academic Planning and Policy [website].* <https://www.hawaii.edu/iro/>



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/07/2017

Time: 02:00 PM

Location: 224

Committee: Senate Commerce, Consumer
Protection, and Health
Senate Higher Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0134 RELATING TO THE UNIVERSITY OF HAWAII.

Purpose of Bill: Prohibits smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawaii.

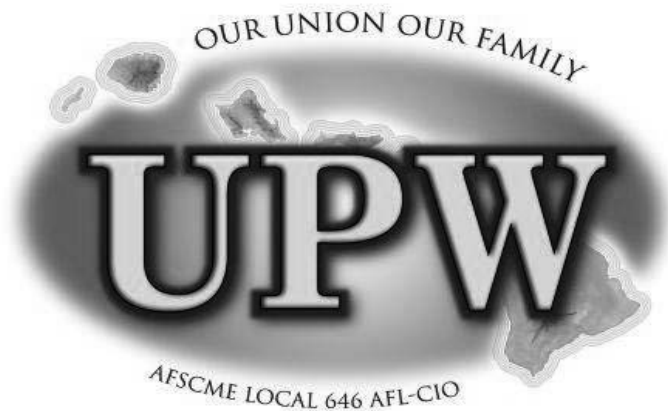
Department's Position:

The Department of Education (Department) fully supports SB 134.

SB 134 promotes positive health practices. If passed, this measure will protect University of Hawaii students, employees, and visitors from exposure to second-hand smoke and other potentially harmful substances by prohibiting smoking, including the use of electronic smoking devices, and tobacco use on University of Hawaii premises.

For over a decade, all Hawaii public schools have prohibited tobacco use at its schools or public functions. The Department has also prohibited e-cigarette use and other electronic smoking devices in all schools and facilities under its jurisdiction since May 2015.

Thank you for this opportunity to testify on SB 134.



The Hawaii State Senate
The Twenty-Ninth Legislature
Regular Session of 2017

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON HIGHER EDUCATION

Senator Kaiali`i Kahele, Chair
Senator Michelle N. Kidani, Vice Chair

DATE OF HEARING: February 7, 2017

TIME OF HEARING: 2:00 p.m.

PLACE OF HEARING: Conference Room 224, State Capitol

**TESTIMONY ON S.B. 134 RELATING
TO THE UNIVERSITY OF HAWAII**

By Dayton M. Nakanelua,
State Director of the United Public Workers,
AFSCME, Local 646, AFL-CIO

My name is Dayton M. Nakanelua, and I am the state director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW represents approximately 522

employees of the University of Hawaii (UH). The union opposes S.B. 134 because it (1) interferes with the right of public employees to negotiate over terms and conditions of employment, (2) it undermines the grievance and arbitration process to resolve pending disputes with the UH, and (3) grants UH special or unequal treatment over other employers.

As you know the right to engage in collective bargaining is a constitutional right of public employees under Article XIII, Section 2 of the State Constitution. The times, places, and circumstances under which smoking is authorized or permitted at work is a negotiable subject under HRS Chapter 89. United Public Workers, AFSCME, Local 646, AFL- CIO v. Benjamin Cayetano, 6 HLRB 112 (Dec. No. 413). This bill interferes with employee rights by prohibiting negotiations over a total smoking ban on UH campuses. The need for good faith bargaining or negotiation is fundamental in bringing to fruition the legislatively declared policy to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. Board of Education v. Hawaii Public Employee Relations Board, 56 Haw. 85, 87, 528 P.2d 809, 811 (1974).

This bill is tailored after a 2016 measure which banned smoking on the premises of hospitals and medical centers operated by the Hawaii Health Systems Corporation. See 2016 Hawaii Session Laws, Act 25, at 30 and 31. On October 28, 2016 the Hawaii Labor Relations Board in United Public Workers, AFSCME, Local 646, AFL-CIO v. Hawaii Health Systems Corporation, Case No. 16 CE-01-883a and 16 CE-10-883b (Order No. 3199) sustained a prohibited practice complaint arising from the failure to negotiate and to consult under HRS chapter, notwithstanding Act 25. Order No. 3199 is currently on appeal. The union is challenging the constitutionality of Act 25 and HHSC is challenging Order No. 3199.

Until 2015 UH authorized employee smoking in designated smoking areas in outdoor areas on all campuses. Designated smoking areas have been in place for many years. Without complying with the duty to negotiate and to consult with the union UH then unilaterally implemented a “smoking ban” at the Manoa campus. The union filed a grievance contesting the action and the matter is currently before arbitrator Ikeda. On September 12, 2016 the arbitrator issued a provisional order prohibiting adverse actions against employees pending a hearing.

This measure would afford UH “special” treatment not afforded to other employers. In State of Hawaii Department of Education v. United Public

Workers (Grievance involving tobacco free policy) (Arb. Parnell 1995), a class grievance was sustained for violations of the unit 1 agreement when DOE sought to implement a total smoking ban via consultation. In the private sector, smoking policies are mandatory subjects of collective bargaining. See S.S. Kresge Co. v. N.L.R.B., 416 F.2d 1225, 1229-30 (6th Cir. 1969); W.T. Forest Products Co., 304 NLRB 957, 959 (1991) (“we find, . . . , that a ban on smoking on an employer's premises during working hours is a mandatory subject of bargaining, regardless whether the bargaining representative seeks to obtain such a ban or to limit or eliminate it.”). Since 2009 the legislature has allowed smoking in “outdoor areas of places of employment” in Section 328J-7 (5), HRS. We do not believe UH should be afforded unequal treatment.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Commerce, Consumer Protection, and Health and
Higher Education

February 7, 2017 at 2:00 p.m.

By

Jan Gouveia

Vice President for Administration
University of Hawai'i

SB 134 – RELATING TO THE UNIVERSTIY OF HAWAII

Chairs Baker and Kahele, Vice Chairs Nishihara and Kidani, and members of the committees:

I am respectfully submitting written testimony on behalf of the University of Hawai'i regarding Senate Bill 134 – Relating to the University of Hawai'i – which proposes to amend HRS, Chapter 304A, University of Hawai'i System, by adding a new section prohibiting smoking (including the use of electronic smoking devices, and tobacco use) on all University of Hawai'i premises within the State.

In addition, this bill proposes to also amend HRS, Chapter 89, Collective Bargaining in Public Employment, by adding a new section specifying that the above-referenced smoking and tobacco use prohibitions shall not be subject to collective bargaining.

The University fully supports the goal of this bill to promote positive health practices and protect University of Hawai'i students, employees, and visitors from exposure to smoke and other potentially harmful substances caused by tobacco use. The bill would be aligned with similar programs at universities and colleges across the nation implementing campus-wide bans including electronic smoking devices in order to provide healthy learning and work environments for campus communities.

Studies have been conducted showing that a smoke-free campus is an effective intervention for reducing smoking and tobacco use among college students. Studies have also shown that college students are at risk for initiating social smoking practices which later progress to regular smoking, as well as exposure to secondhand smoke in outdoor areas, student residence halls, campus events, and other sporting and social settings. Prohibitions have been shown to reduce both smoking prevalence and second hand smoke, and increase smoke-free social norms.

Lastly, this bill is consonant with the legislature's smoke-free efforts over the years to reduce health problems by implementing smoking restrictions in and near state facilities including complete ban at K-12 public schools and associated events.

Thank you for the opportunity to provide testimony on this measure.



Testimony in SUPPORT of SB 134 “Relating to the University of Hawaii”

The American Heart Association **SUPPORTS** SB 134.

Supporting universities and colleges 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 University of Hawaii’s desire to eliminate tobacco use on its campuses make them healthier, safer places for student learning, and will further send the clear message to the community that tobacco use is no longer encouraged in our society. It will also help support those who continue to use tobacco, but want to quit, to achieve the goal of cessation.

Please support SB 134.

Respectfully submitted,

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.





The Committee on Higher Education and the Arts
Tuesday, February 7, 2017
2:00 pm, Room 224

RE: SB 134, RELATING TO THE UNIVERSITY OF HAWAI'I

Attention: Chair Kai Kahele, Vice Chair Michelle Kidani and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) **opposes SB 134** relating to a statutory prohibition on smoking, tobacco use and the use of electronic smoking devices by any person on the premises of the University of Hawai'i. The University already has the authority and the ability to prohibit smoking and the use of tobacco and electronic smoking devices as noted in Section 1 paragraph 3 of SB 134.

The University has worked with UHPA in the past and continues to work with UHPA to ensure a healthy working conditions for the faculty and subsequently the students. It continues to be the right of UHPA to work with the University to ensure that any policy that impacts faculty work environment promotes "positive health practices."

We appreciate the opportunity to continue retaining the determination of best practices in the workplace; in the workplace rather than in statute.

UHPA opposes the passage of SB 134.

Respectfully submitted,

Kristeen Hanselman
Executive Director

University of Hawaii
Professional Assembly



Date: February 5, 2017

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Kaiali'i Kahele, Chair
The Honorable Michelle Kidani, Vice Chair
Members of the Senate Committee on Higher Education

From: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute

Re: **Support for SB 134, Relating to the University of Hawaii**

Hrg: February 7, 2017 at 2:00 pm at Conference Room 224

Thank you for the opportunity to submit testimony in SUPPORT of SB 134 which urges the State of Hawai'i to prohibit smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawai'i.

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

Tobacco use and exposure to secondhand smoke in any form causes serious health risks such as cancer, heart disease, and respiratory illness. Restricting tobacco and e-cigarette use throughout a campus reduces these risks and promotes the health and well-being of members of the entire campus community. Having a campus-wide policy also helps to reduce the youth initiation to tobacco products, including electronic smoking devices. In addition, smoke-free policies economically benefit the University of Hawai'i by contributing to reduced health care costs and employee absenteeism, as well as increased productivity and cost savings associated clean-up of cigarette litter.



There is no safe level of exposure to secondhand smoke.

The level of air pollution from a cigarette is so severe that breathing it is dangerous for anyone, but especially for children. Secondhand smoke has more than 7,000 chemicals, at least 70 of which are known to cause cancer. Further, the 2016 U.S. Surgeon General Report has determined that emissions from e-cigarettes are not harmless. "It can contain harmful and potentially harmful chemicals, including nicotine; ultrafine particles that can be inhaled deep into the lungs; flavoring such as diacetyl, a chemical linked to a serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead."ⁱ

This measure aims to protect all students in Hawai'i.

Currently all students attending grades K-12 in Hawai'i are able to attend school on tobacco-free campuses. However because only the University of Hawai'i Manoa is smoke-free, thousands of our students, faculty, and school visitors are no longer protected from the harmful effects of secondhand smoke. Smoking and the use of electronic cigarettes are not conducive to a healthy learning environment and can seriously compromise anyone's health.

More than 760 college and university campuses in the United States already prohibit smoking and tobacco use. 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 everyone on the University of Hawai'i campuses from the harmful effects of secondhand smoke.

Thank you and we respectfully ask that you pass SB 134 out of committee.

Mahalo,

A handwritten signature in black ink, appearing to read 'Trish'.

Trish La Chica
Policy and Advocacy Director

ⁱ Know The Risks, E-Cigarettes and Young People, from: <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>

Date: February 6, 2017

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Kaiali'i Kahele, Chair
The Honorable Michelle Kidani, Vice Chair
Members of the Senate Committee on Higher Education

From: Members of the University of Hawaii Student Health Advisory Council

Re: Strong Support for SB 134, Relating to the University of Hawaii

Hrg: February 7, 2017 at 2:00 pm at Conference Room 224

Thank you for the opportunity to submit testimony in **SUPPORT** of SB 134 which urges the State of Hawai'i to prohibit smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawai'i.

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. In 2015, the Student Health Advisory Council actively supported the passing of Legislative Act 122, which prohibits the sale of all tobacco products to anyone under the age of 21. We remain deeply committed to the mission of improving the public health environment and reducing the use of tobacco products, including electronic smoking devices, among the adolescent and young adult population.

There is no safe level of exposure to secondhand smoke and even minimal exposure can increase risk for multiple health conditions. Currently all students in Hawaii in grades K-12 are able to attend school on tobacco-free campuses. However without tobacco-free college campuses, University of Hawai'i students are no longer protected from the harmful effects of secondhand smoke. Our learning and working environment extends outside the classroom, which can expose us to secondhand smoke. Smoking and the use of electronic cigarettes are not conducive to a healthy learning environment and they can seriously compromise our health.

Currently in the US there are 1757 college campuses that have become smoke-free, and of these 1468 are tobacco-free, with 1331 also prohibiting the use of electronic cigarettes. Four states and one US territory have also passed State laws requiring college campuses to be smoke-free. Hawai'i has always 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 everyone on the University of Hawai'i campuses, students, employees, and visitors from the harmful effects of secondhand smoke. It is imperative that we join our fellow institutions of higher education and pass SB 134.

Mahalo nui loa, for your efforts to create a healthier place for thousands of students, faculty and staff to learn and work.

Aloha on behalf of the Student Health Advisory Council,

Stormy Dodge, Blane Garcia, and Ku'ulei Salzer, Graduate Chairs
Stacy Suda, Undergraduate Chair

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 11:23 AM
To: CPH Testimony
Cc: mz9995@hotmail.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/6/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	Yes

Comments: Since this is an outdoor ban, what the hell is the difference in being on campus or off campus as far as "health claims" go. Senate Bill 134 is little more than codified hate speech and a disgrace to the concept of aloha.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



**American Cancer Society
Cancer Action Network**
2370 Nu`uanu Avenue
Honolulu, Hawai`i 96817
808.432.9149
www.acscan.org

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice Chair

Senate Committee on Higher Education
Senator Kaiali`i Kahele, Chair
Senator Michelle Kidani, Vice Chair

SB 134 – RELATING TO THE UNIVERSITY OF HAWAII

Cory Chun, Government Relations Director – Hawaii Pacific
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of SB 134, which prohibits smoking and tobacco use on University of Hawaii premises. The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Despite significant progress since the first Surgeon General's report, issued over 50 years ago, tobacco use remains the single largest cause of preventable death and disease and is responsible for about one third of cancer deaths. Of the roughly 20 million college and university students in the United States, more than 1 million are projected to die prematurely from cigarette smoking. While approximately 90% of smokers start by age 18, fully 99% start by age 26, underscoring the importance of supporting young adults with more effective prevention and cessation efforts while eliminating exposure to secondhand smoke and all tobacco use in their learning environments.

Electronic smoking devices, cigars, and other non-cigarette tobacco products are not a safe alternative to cigarettes. Unfortunately, both cigar and e-cigarette use by youth is on the rise. Because they simulate the behavior of smoking, use of these products in public places where smoking is otherwise prohibited complicates enforcement of the law and weakens its effectiveness. Many of these products resemble traditional cigarettes, and produce a visible cloud when exhaled which can confusion for the public and enforcement officials alike. In addition, the unacceptability of smoking in these places could be compromised which could lead to new users or a reduction in current users who quit.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 8:13 AM
To: CPH Testimony
Cc: mauimoonflower@gmail.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/3/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments: The senate bill 134 is UNFAIR DISCRIMINATION!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 7:54 PM
To: CPH Testimony
Cc: bigcoopatroopa@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/2/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 4:36 PM
To: CPH Testimony
Cc: chevryriderhhh@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/2/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 3:57 PM
To: CPH Testimony
Cc: 1hawaii4me@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/2/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 3:08 PM
To: CPH Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/2/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testimony Presented Before the Senate Committees on
Higher Education and on Commerce, Consumer Protection, and Health
Tuesday, February 7, 2017 at 2:00 pm
By
May Rose I. Dela Cruz, DrPH

SB 134 - Relating to the University of Hawai'i

Chair Kahele, Vice-Chair Kidani, and members of the Committee on Higher Education:

Chair Baker, Vice-Chair Nishihara, and members of the Committee on Commerce, Consumer Protection, and Health:

I am writing to offer my testimony in **strong support** of SB 134 which prohibits smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawai'i (UH).

I received my undergraduate degree and both graduate degrees (MPH and DrPH) from the UH Mānoa. I am now faculty at UH with an office on campus. Through my years of attending and working at UH, walking around campus gave me a healthy dose of physical activity, but it was also a bit unhealthy. I have asthma and cigarette smoke is my number one trigger for an asthma attack, and I have used my inhaler often due to the smokers on campus.

Recently, smokers have been smoking next to the intake vents at the UH building where I work. At this area, there are clear ashtrays placed by the smokers to house their cigarette butts. The cigarette smoke may not bother others in the building, but it has caused me numerous asthma attacks. I am in my office more than eight hours a day and have been using my inhaler constantly. My doctor has now given me another inhaler on top of what I'm taking to minimize my breathing problems and she has also recommended an air purifier. UH's Public Safety and Environmental Health and Safety Departments have been called, but they have articulated that they do not handle smoking-related problems. **It is frustrating that I work at a smoke-free campus, yet suffer because this policy is not enforced.** Smokers are allowed to violate policy at the expense of the university's students, faculty, staff, and visitors.

SB 134 will change how tobacco and smoking use will be enforced on campus. It will assist those who are medically affected by smoke and give us a chance to breathe easier at our university.

Mahalo for allowing me to submit testimony.

Testimony of Professor Mark A. Levin *in strong support* for SB134

RELATING TO THE UNIVERSITY OF HAWAII

**Senate Committees on Higher Education and
on Commerce, Consumer Protection, and Health
February 7, 2017**

Chair Kahele, Vice-Chair Kidani, and members of the Committee on Higher Education:

Chair Baker, Vice-Chair Nishihara, and members of the Committee on Commerce, Consumer Protection, and Health:

Aloha. My name is Mark Levin. I am a Professor at the William S. Richardson School of Law. My testimony is based on nearly twenty five years of engagement with tobacco control law and policy locally and globally. Among my activities in this field, I have published in leading journals and worked as a temporary advisor on tobacco control policy for the World Health Organization. Locally, I have served on the Hawai‘i State Tobacco Prevention and Control Trust Fund Advisory Board and volunteered for many other tobacco control related roles.

I am also the principal author of the University of Hawai‘i Executive Policy E10.102 on Tobacco Products, established by President Evan Dobbelle in January 2003, which is essentially identical to the current policy established in April 2012.

When I drafted a proposed revision for Executive Policy E10.102 for President Dobbelle in December 2002, the University’s policy was woefully out of date. We made a significant step forward with the policy change then and it has substantially improved the learning and working environment on our state’s university campuses. I am proud to have been a part of that initiative, working closely then with many others in the administration, faculty, staff, and students.

Unfortunately, nearly fifteen years have passed since Executive Policy E10.102 was revised and while our current administration has tried to move the campuses forward, their efforts have been of only limited success. We have once again fallen behind the times.

United States Assistant Secretary for Health, Dr. Howard Koh, launched on September 12, 2012, the national Tobacco-Free College Campus Initiative. Moreover, as this bill notes, the count of colleges and universities in the United States that prohibit smoking and all forms of tobacco use everywhere on campus with no exceptions is growing rapidly. These including the University of Arkansas, all universities in the University of California system, the University of Florida, the

University of Guam, the University of Kentucky, the University of Massachusetts - Amherst, the University of Michigan, the University of Montana, the University of North Dakota, all public universities in the state of Oklahoma, and the University of Oregon. Though all K-12 public schools in Hawai'i are tobacco-free, our public universities lag.

As your bill aptly notes, tobacco-free campus policies do not only benefit public health aims. They reduce numerous fiscal burdens for the university administration and alleviate the campus' impacts on surrounding land and water environments. In this regard, a tobacco-free policy would further the mission of the University of Hawai'i system to "ensure the survival of present and future generations with improvement in the quality of life," support core values concerning *malama 'aina* sustainability, and represent sound financial resource stewardship.

Because the current policy at UH is out of date, unpopular, and unwise, the University has come forward seeing your action to help them make positive change happen. Numerous other constituencies have expressed their support for tobacco-free campuses including the Associated Students of the University of Hawai'i at Mānoa and the Mānoa Faculty Senate.

And it has been nearly four years since your Senate as well, through SR118 in 2013, expressed its resolve to see these changes take place.

As the University of Hawai'i is an instrument of our State's Executive Branch seeking this action, please pass this bill and enable prompt policy revision and effective policy implementation that SB 134 represents.

Mahalo.

Professor Mark A. Levin
The William S. Richardson School of Law
The University of Hawai'i at Mānoa
2515 Dole St., Honolulu, HI 96822
Tel: 1-808-956-3302

Affiliations are given for identification purposes only. Opinions presented here are personal views and not the official views of the University of Hawai'i or any other organization or entity.

Date: February 7, 2017

Room: 224

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Kaiiali'i Kahele, Chair
The Honorable Michelle Kidani, Vice Chair
Members of the Senate Committee on Higher Education

From: Forrest Batz, PharmD
Associate Professor of Pharmacy Practice
University of Hawaii at Hilo
fbatz@sonic.net

Re: Strong Support for SB 134, Relating to the University of Hawaii

Hrg: February 7, 2017 at 2:00 pm at Conference Room 224

Aloha Senate Committees on Commerce, Consumer Protection and Health and Higher Education,

Thank you for the opportunity to submit testimony in strong **SUPPORT** of SB 134 which urges the State of Hawai'i to prohibit smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawai'i.

There is no safe level of exposure to secondhand smoke and even minimal exposure increases the risk of multiple health conditions.

Currently, all grade K-12 students in Hawai'i attend tobacco-free school campuses. Without tobacco-free college campuses, University of Hawai'i students are not protected from the harmful effects of secondhand smoke. It is time for UH to join the rest of the state by establishing consistently healthful learning and work environments.

UH campus learning and working environments extend outside the classroom, which can expose students, staff, faculty and visitors to secondhand smoke. Exposure to tobacco smoke and electronic cigarette vapor is not conducive to healthful learning and work environments and can seriously compromise health.

I strongly support SB 134 because all UH students, staff, faculty and visitors deserve to breathe clean, healthful air when walking to and from classes, meetings and other activities on campus.

Hawai'i is a leader in protecting our citizens and visitors from the dangers of secondhand smoke. And now, the State Legislature has the opportunity to protect the health of the thousands of individuals throughout all 10 campuses of the University of Hawai'i from the harmful effects of secondhand smoke by passing SB 134.

Thank you for the opportunity to submit testimony, malaho nui for your consideration.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 5:00 PM
To: CPH Testimony
Cc: 808aprilpacheco@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/5/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
April Pacheco	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 4:37 PM
To: CPH Testimony
Cc: mikenakas@hotmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/5/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Nakasone	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 6:01 PM
To: CPH Testimony
Cc: brianportal808@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Santiago	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 2:41 PM
To: CPH Testimony
Cc: freedom1979hi@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cindy Nettles	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 1:11 PM
To: CPH Testimony
Cc: pipelinemax@outlook.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz	Individual	Oppose	Yes

Comments: Not only no, but hell no for this outdoor smoking ban. There's no way I'll obey this if it becomes law.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 12:45 PM
To: CPH Testimony
Cc: neo777@graduate.org
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Patterson	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 10:46 AM
To: CPH Testimony
Cc: seventh-power@outlook.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David McCann	Individual	Oppose	No

Comments: NO BAN!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 10:27 AM
To: CPH Testimony
Cc: rallyartmax@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 9:32 AM
To: CPH Testimony
Cc: protechoahu@gmail.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 9:25 AM
To: CPH Testimony
Cc: nguyenske60@gmail.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/4/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ke Nguyen	Individual	Oppose	No

Comments: Your bill is unfair to UH people that smoke. I want to think America is a free country where each person can make the choice.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 11:49 AM
To: CPH Testimony
Cc: konaking@live.com
Subject: *Submitted testimony for SB134 on Feb 7, 2017 14:00PM*

SB134

Submitted on: 2/3/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:59 AM
To: CPH Testimony
Cc: kathyk323@hotmail.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/3/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Kim	Individual	Oppose	Yes

Comments: Very Strongly oppose this ban.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 8:37 PM
To: CPH Testimony
Cc: jamesjtz@aol.com
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/2/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments: I stand behind this bill to become law as soon as possible for the welfare of our community health. It is sad to see that marijuana is federally prohibited while tobacco is not on the same level, despite its serious health consequences. It would be appropriate for the University of Hawaii to follow through as the City and County of Honolulu did for banning smoking at their public parks and beaches.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Date: February 3, 2017

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection and Health

The Honorable Kaiali'i Kahele, Chair
The Honorable Michelle Kidani, Vice Chair
Members of the Senate Committee on Higher Education

From: San Ly, The Daniel K. Inouye College of Pharmacy at UHH

Re: Strong Support for SB 134, Relating to the University of Hawaii

Hrg: February 7, 2017 at 2:00 pm at Conference Room 224

Thank you for the opportunity to submit testimony in **SUPPORT** of SB 134 which urges the State of Hawai'i to prohibit smoking and tobacco use, including the use of electronic smoking devices, by any person on the premises of the University of Hawai'i.

There is no safe level of exposure to secondhand smoke and even minimal exposure can increase risk for multiple health conditions. Currently all students in Hawaii in grades K-12 are able to attend school on tobacco-free campuses. However without tobacco-free college campuses, University of Hawai'i students are no longer protected from the harmful effects of secondhand smoke. Our learning and working environment extends outside the classroom, which can expose us to secondhand smoke. Smoking and the use of electronic cigarettes are not conducive to a healthy learning environment and they can seriously compromise our health.

I strongly support SB 134 because I deserve to breathe clean, healthy air when I walk to and from my classes every day. My classmates and I should not have to suffer consequences from second hand smokes.

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 everyone on the University of Hawai'i campuses, students, employees, and visitors from the harmful effects of secondhand smoke. As a result, it is imperative that we protect the health of all thousands of individuals throughout all 10 campuses of the University of Hawai'i by passing SB 134.

Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice-Chair
Committee on Commerce, Consumer Protection, and Health

Senator Kaiali'i Kahele, Chair
Senator Michelle Kidani, Vice Chair
Committee on Higher Education

Kathleen Corpuz, University of Hawai'i at Mānoa
Monday, February 6, 2017

In Support of S.B. 134, Relating to the University of Hawai'i

I strongly support S.B. 134, which would prohibit smoking and tobacco use, including the use of electronic devices by any person on the premises of the University of Hawai'i.

As a current undergraduate student at the University of Hawai'i at Mānoa, smoke-free campuses will help and support students, faculty and staff live healthy. Smoke-free colleges will reduce the exposure of tobacco to many people who enter the university and it will further reduce nicotine addiction. Our state needs to secure a safety and healthy environment for our students, faculty, staff and the general public.

The use of tobacco continues to impact the mortality and morbidity of our people. Our state needs to prioritize the health of our people by reducing access to spaces for tobacco consumption and encouraging others to quit. Exposure to secondhand smoke on campus should be reduced in order to prevent students from its immediate health effects. The University of Hawai'i should be a place that promotes the success of students, and a tobacco-free policy will ensure us the opportunity to succeed in a healthy environment.

Hawai'i ranks among the highest in the nation on passing smoke-free and tobacco control laws protecting our residents and children. Our state will improve the quality of our lives with the help of smoke-free campuses. This will encourage others to quit their smoking habits and to be aware of the negative effects of tobacco in their health. It is important for our state to take the step to prevent tobacco use among people of all ages.

I urge the committee to pass SB 134. Thank you for providing me the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 2:44 PM
To: CPH Testimony
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for SB134 on Feb 7, 2017 14:00PM

SB134

Submitted on: 2/6/2017

Testimony for CPH/HRE on Feb 7, 2017 14:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: Chairs Kahele and Baker, Vice Chairs Kidani and Nishihara, and esteemed members of the committees: Mahalo for the opportunity to submit testimony in support of SB134. More and more research is finding the detrimental effects of tobacco and nicotine products, including electronic nicotine delivery systems. I applaud this Bill to restrict the use of unhealthy products on UH campuses. I urge you to support this Bill. Mahalo for the opportunity to provide testimony in support of SB134

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov