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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

February 2, 2017

TO: The Honorable Senator Josh Green, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SCR 3 – Urging the Department of Human Services to adopt administrative rules to ban smoking and the use of electronic smoking devices in foster care homes**
SR 4 – Urging the Department of Human Services to adopt administrative rules to ban smoking and the use of electronic smoking devices in foster care homes

Hearing: Monday, February 6, 2017, 3:10 p.m.
Conference Room 016, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) appreciates the intent of the resolution and provides comments.

PURPOSE: The purpose of this resolution is to ban smoking and the use of electronic smoking devices in foster care homes, as there is no safe level of exposure for secondhand smoke.

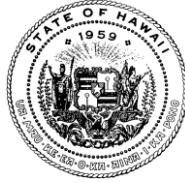
DHS Child Welfare Services (CWS) already regulates smoking in foster homes. Hawaii Administrative Rule (HAR) and departmental procedure exist to protect children in foster care from exposure to second hand smoke. HAR §17-1625 -37 (f) *Licensing of Resource Family Homes for Children* states “[t]he resource family shall take the necessary precautions to prevent exposing foster children to the harmful effects of cigar or cigarette smoke.”

A Resource Family Home Study is completed for all licensed resource homes, which includes specific questions regarding present and past smoking of cigars, cigarettes, and

electronic smoking devices by all household members, and requires adult household members who smoke to commit to smoking away from foster children.

DHS is concerned that the resolution would have an adverse impact on the recruitment and retention of resource homes, which are already limited. In addition, the requirements of this resolution may lead to removal of children from stable homes, resulting in multiple placements for children in foster care, adversely impacting the children, or it may prevent placement with the most appropriate, available and willing family.

Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on SCR0003
URGING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT
ADMINISTRATIVE RULES TO BAN SMOKING AND THE USE OF ELECTRONIC
SMOKING DEVICES IN FOSTER CARE HOMES

SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

Hearing Date: February 6, 2017

Room Number: 016

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) offers comments on Senate
3 Concurrent Resolution SCR0003 which urges the Department of Human Services (DHS) to
4 adopt administrative rules to prohibit smoking, including the use of electronic smoking devices
5 (ESD), in foster care homes.

6 The DOH and DHS are coordinating on these efforts, and is aware that the DHS has
7 existing administrative rules, and assessment and enforcement procedures in place to protect
8 foster children from secondhand smoke. The DOH is also willing to assist DHS should they
9 amend to include ESDs in their policies.

10 Thank you for the opportunity to comment on this matter.

11 **Offered Amendments:** None.

12



Date: February 5, 2017

To: The Honorable Josh Green, Chair
The Honorable Stanley Chang, Vice Chair
Members of the Senate Committee on Human Services

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

Re: **Support for SCR 3/SR 4, URGING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT ADMINISTRATIVE RULES TO BAN SMOKING AND THE USE OF ELECTRONIC SMOKING DEVICES IN FOSTER CARE HOMES.**

Hrg: February 6, 2017 at 3:10pm at Capitol Room 016

Thank you for the opportunity to submit testimony in SUPPORT of SCR 3/SR 4 which urges the Department of Human Services to adopt administrative rules to ban smoking and the use of electronic smoking devices in foster care homes.

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.

Foster care children are wards of the state and must be placed in healthy, smoke-free environments.

As foster children are removed from adverse environments, the state assumes the role as their legal guardian, and therefore becomes responsible for their care and well-being. Further, it becomes the state's duty to ensure that they reside in safe, and healthy foster care environments. Tobacco use and secondhand smoke can cause serious health problems and exacerbate existing health conditions. Children are in particular are more vulnerable to the harmful effects of secondhand smoke as their organs are still developing.



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 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

At least twenty-one states protect children in foster care from the health hazards of secondhand smoke by prohibiting smoking in foster homes and motor vehicles transporting foster children. Many other states are considering similar laws or regulations that regulate smoking in foster care facilities and vehicles when children are in placement. 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 foster children as well.

Thank you and we respectfully ask that you pass SCR 3/SR 4 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>

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 3:58 PM
To: HMS Testimony
Cc: 1hawaii4me@gmail.com
Subject: *Submitted testimony for SCR3 on Feb 6, 2017 15:10PM*

SCR3

Submitted on: 2/2/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 8:14 AM
To: HMS Testimony
Cc: mauimoonflower@gmail.com
Subject: *Submitted testimony for SCR3 on Feb 6, 2017 15:10PM*

SCR3

Submitted on: 2/3/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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

Comments:

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Sent: Friday, February 3, 2017 10:00 AM
To: HMS Testimony
Cc: kathyk323@hotmail.com
Subject: Submitted testimony for SCR3 on Feb 6, 2017 15:10PM

SCR3

Submitted on: 2/3/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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

Comments: Very Strongly oppose.

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Sent: Sunday, February 5, 2017 4:39 PM
To: HMS Testimony
Cc: mikenakas@hotmail.com
Subject: *Submitted testimony for SCR3 on Feb 6, 2017 15:10PM*

SCR3

Submitted on: 2/5/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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

Comments:

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Sent: Saturday, February 4, 2017 12:47 PM
To: HMS Testimony
Cc: neo777@graduate.org
Subject: *Submitted testimony for SCR3 on Feb 6, 2017 15:10PM*

SCR3

Submitted on: 2/4/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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

Comments:

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To: HMS Testimony
Cc: rallyartmax@gmail.com
Subject: Submitted testimony for SCR3 on Feb 6, 2017 15:10PM

SCR3

Submitted on: 2/4/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Chris C.K. Arakaki	Individual	Oppose	Yes

Comments: We have a constitutional right to privacy in the home.

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Cc: protechoahu@gmail.com
Subject: *Submitted testimony for SCR3 on Feb 6, 2017 15:10PM*

SCR3

Submitted on: 2/4/2017

Testimony for HMS on Feb 6, 2017 15:10PM in Conference Room 016

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

Comments:

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