

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

BRIDGET HOLTHUS  
DEPUTY DIRECTOR

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.



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

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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."<sup>i</sup>

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

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