



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of H.B. 2535  
RELATING TO THE STATEWIDE TRAFFIC CODE**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 9, 2018

Room Number: 329

1 **Fiscal Implications:** None for the Department of Health (DOH).

2 **Department Testimony:** The DOH supports House Bill 2535 (H.B. 2535) as a public health  
3 measure to protect youth under the age of 18 years from involuntary exposure to tobacco smoke  
4 in motor vehicles. The DOH concurs with aligning the definition of “smoke and smoking” to the  
5 definition in Chapter 328J-1 HRS, which includes the use of electronic smoking devices (ESD).  
6 The DOH defers to the county police departments regarding enforcement practices, and will  
7 coordinate with them on developing the report to legislature on the enforceability and  
8 coordination of data collection efforts.

9 On February 2, 2018, Maui County Council passed a smoke-free vehicles with a minor  
10 present ordinance making it the fourth county in the state with such a policy. These jurisdictions  
11 have proactively addressed secondhand smoke exposure in vehicles, and the DOH supports S.B.  
12 2535 to standardize these protections statewide for ease of implementation and enforcement, and  
13 consistency for residents and visitors.

14 The dangers of secondhand smoke are well-documented, and have led to the successful  
15 enactment of smoke-free workplace and public place laws both in Hawaii and across the nation.  
16 More than half of all states in the United States have smoke-free workplace laws, and in recent  
17 years, Hawaii’s smoke-free policies have expanded to include beaches, parks, and bus stops.  
18 Leading health authorities throughout the world concur that there is no risk-free level of  
19 exposure to secondhand smoke, and that the only effective way to protect people from harm is to

1 totally eliminate smoking in enclosed spaces.<sup>1</sup> A new study published by the U.S. Centers for  
2 Disease Control and Prevention (CDC) indicates that approximately 15% of American teens who  
3 have never used tobacco reported being exposed to harmful secondhand smoke in a car in the  
4 past week.<sup>2</sup> Hawaii high school students in 2015 reported an even higher rate of exposure of  
5 18%.<sup>3</sup>

6 Extensive scientific literature shows that passive smoke exposure in a confined space –  
7 such as inside a car – is particularly harmful. The concentration of toxins in a smoke-filled car  
8 can be several times greater than that of a smoky bar, and children are more vulnerable.<sup>4,5</sup> Toxin  
9 levels in a vehicle with secondhand smoke can exceed some of the worst air quality days in a  
10 large city.<sup>6</sup> Tobacco smoke is a well-documented toxic air contaminant which increases  
11 morbidity and mortality in children; leading to respiratory infections, sudden infant death  
12 syndrome, ear infections, and more severe asthma.<sup>7,8</sup> Educational campaigns about smoking in  
13 cars can help shape community norms and impact individual behavior. However, in the absence  
14 of a legislative mandate, those who are most vulnerable — particularly children — remain  
15 powerless to avoid exposure or ability to protect themselves from harm.<sup>9</sup>

16 Thank you for the opportunity to testify on this important measure.

17 **Offered Amendments:** None.

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<sup>1</sup> Susan R. Weisman, *Public Health Law Center, Kids, Cars and Cigarettes: Policy Options for Smoke-Free Vehicles* (2010).  
[http://publichealthlawcenter.org/sites/default/files/resources/phlc-policybrief-kidscarssmoke-2010\\_0.pdf](http://publichealthlawcenter.org/sites/default/files/resources/phlc-policybrief-kidscarssmoke-2010_0.pdf)

<sup>2</sup> Agaku, I. T., Singh, T., Rolle, I., Olalekan, A., & King, B. A. (2016). *Prevalence and Determinants of Secondhand Smoke Exposure among Middle and High School Students*. *Pediatrics*.  
<http://pediatrics.aappublications.org/content/pediatrics/early/2016/01/08/peds.2015-1985.full.pdf>

<sup>3</sup> *Hawaii Youth Tobacco Survey* (2015)

<sup>4</sup> Sendzik, T, et al., “An experimental investigation of tobacco smoke pollution in cars,” Toronto, ON: Ontario Tobacco Research Unit, March 2008.

<sup>5</sup> *Non-Smokers’ Rights Assn, Smoking and Health Action Foundation, Second-hand Smoke in Homes and Cars 3-4* (2007)  
[http://www.nsraadnf.ca/cms/file/files/pdf/DOCU\\_07\\_02\\_22\\_SHS\\_HomeCarsFinalUpdate.pdf](http://www.nsraadnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf).

<sup>6</sup> Edwards R, et al., “Highly hazardous air quality associated with smoking in cars: New Zealand pilot study,” *The New Zealand Medical Journal* 119(1244) October, 2006, <http://www.nzma.org.nz/journal/119-1244/2294/>

<sup>7</sup> U.S. Department of Health and Human Services. *Let’s Make the Next Generation Tobacco-Free: Your Guide to the 50th Anniversary Surgeon General’s Report on Smoking and Health*. [PDF–795 KB] Atlanta: 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, 2014.

<sup>8</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Atlanta: 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, 2014.

<sup>9</sup> *Non-Smokers’ Rights Assn, Smoking and Health Action Foundation, Second-hand Smoke in Homes and Cars 3-4* (2007)  
[http://www.nsraadnf.ca/cms/file/files/pdf/DOCU\\_07\\_02\\_22\\_SHS\\_HomeCarsFinalUpdate.pdf](http://www.nsraadnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf).



Date: February 7, 2018

To: The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Health and Human Services

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

Re: **Support for HB2535, Relating to Health**

Hrg: February 9, 2018 at 8:30 AM at Capitol Room 329

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Thank you for the opportunity to submit testimony in SUPPORT of HB2535, which urges the State of Hawai'i to prohibit smoking in a motor vehicle when a minor under the age of 18 is present.

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.

**There is strong support STATEWIDE for smoke-free cars when minors are present<sup>i</sup>.**

An independent poll conducted by Ward Research Inc. for the Coalition, in November 2017 finds that support for this law across counties is high: 87% of Kaua'i county residents, 87% of O'ahu residents, 89% of Hawai'i county residents, and 92% for Maui residents. The Coalition also collected more than 2,100 petitions from students and parents in support of this issue.

Three counties (Hawai'i county, Kaua'i county, and Honolulu City and County) in Hawai'i have already passed smoke-free cars legislation into law, and Maui county has passed a bill through its County Council and is awaiting signature by the Mayor. A statewide bill would bring consistency between the different counties' laws and ensure that keiki are protected equally across all counties.

**Smoking in cars is toxic as secondhand smoke in cars can be 10 times more toxic, even when a window is down<sup>ii</sup>.**

The level of air pollution in a car caused by smoke from a cigarette is so severe that breathing it is dangerous for anyone, but especially for children. There is no safe level of exposure to secondhand smoke – it has more than 7,000 chemicals, at least 70 of which are known to cause cancer. Secondhand

smoke (SHS) particles deposit deep in your lungs, and after just half a cigarette has been smoked in a car, the quality of the air can reach levels 10 times over what the United States Environmental Protection Agency considers hazardous. Exposure to secondhand smoke for as little as 10 seconds can stimulate asthmatic symptoms in children<sup>iii</sup>. Further, smoking emits fifty times more fine particles into a car than those emitted per-mile by a car's tailpipe<sup>iv v</sup>.

**Smoke-free car legislation has been successful for the past ten years.**

Since 2006, eight states in the U.S. as well as several countries such as France, South Africa, and the entire United Kingdom have passed laws to prohibit smoking when children and young people are present. Data from 2008-2014 on the smoke-free cars law in Wales reported a 50% decline in the percentage of children exposed to smoke in their family vehicle since the law passed<sup>vi</sup>.

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 SHS in vehicles.

Thank you and we respectfully ask that you pass HB2535 out of committee.

Mahalo,



Trish La Chica  
Policy and Advocacy Director

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<sup>i</sup> This study by War Research, Inc. summarizes findings from a phone survey among n=804 Hawaii registered voters, conducted between October 24 and November 16, 2017.

<sup>ii</sup> Ott, W. R., Klepeis, N. E., Switzer P. (2007) Air Change Rates of Motor Vehicles and In-Vehicle Pollutant Concentrations from Secondhand Smoke. *Journal of Exposure Science and Environmental Epidemiology*. doi:10.1038/sj.jes.7500601. <http://www.tobaccosmoke.org/OKS07>

<sup>iii</sup> Rees V, Connolly G. Measuring air quality to protect children from secondhand smoke in cars. *Am J Prev Med* 2006; 31(5):363-8.

<sup>iv</sup> Maricq, M. M., Podsiadlik, D. H., Chase, R. E. (1999) "Examination of the Size-Resolved and Transient Nature of Motor Vehicle Particle Emissions." *Environmental Science and Technology*, 33 (110): 1618-1626. <http://pubs.acs.org/cgi-bin/abstract.cgi/esthag/1999/33/i10/abs/es9808806.html>.

<sup>v</sup> Nazaroff WW and Klepeis NE (2003) "Environmental Tobacco Smoke Particles," In: *Indoor Environment: Airborne Particles and Settled Dust*, edited by Lidia Morawska and Tunga Salthammer, Wiley-VCH, Weinheim, October 2003.

<sup>vi</sup> More GF, Moore L, Littlecott HJ,, Ahmed N, Lewis S, Sully G, Jones E, Holliday J. (2015) Prevalence of smoking restrictions and child exposure to secondhand smoke in cars and homes: a repeated cross-sectional survey of children aged 10-11 years in Wales. *BMJ Open*. <http://orca.cf.ac.uk/72806/1/Moore%20et%20al.%202015.pdf>



February 9, 2018

To: Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair  
House Committee on Health & Human Services

From: Mandy Finlay, Director of Public Policy  
Hawaii Children's Action Network

Re: **HB 2535 – Relating to Health**  
**Hawaii State Capitol, Room 329, February 9, 2018, 8:30 AM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to strongly support HB 2535 – Relating to Health.**

This bill will provide vital protection for children from secondhand smoke while riding in cars by prohibiting smoking in cars when minors are present. It will make Hawaii the ninth state to enact this type of law.

Secondhand smoke in a car can be up to ten times more toxic than what the EPA considers hazardous 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 cause children to miss school 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, help to protect the health and safety of our children, and these laws are enforced in similar ways.

Hawaii has been protecting the public and its visitors from the dangers of secondhand smoke for decades, and it is time to protect our children from the harmful impacts of smoking in a vehicle.

**For these reasons, HCAN respectfully requests that the committee vote to pass this bill.**

February 8, 2018

**LATE**

The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Health and Human Services

RE: SUPPORT HB2535 Relating to Health

Chair Mizuno, Vice Chair Kobayashi & Members of the Committee:

Blue Zones Project—Hawaii is focused on ensuring that the people of Hawaii are able to live longer, happier, healthier lives. We support HB2535, which creates a healthier environment for children when they ride in motor vehicles.

Children have less control over their environment than adults. They are much more likely to be exposed to second hand smoke in a variety of situations. Second hand smoke is filled with carcinogens and other chemicals, exposure to them can cause a variety of serious health issues. Passage of this measure helps to address this exposure in vehicles. When children are present in motor vehicles, they may not be comfortable requesting that an adult refrain from smoking in their presence. This bill alleviates that situation for children.

There have been many positive steps to stop unnecessary exposure to second hand smoke for a variety of groups. This bill helps to protect the most vulnerable. Please support our children and help make their air healthier.

Thank you for your consideration of HB2535 Relating to Health.

Sincerely,

*Cherie Andrade*

Cherie Andrade  
Blue Zones Project

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