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CATHERINE P. AWAKUNI COLÓN  
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TO THE SENATE COMMITTEE ON  
WAYS AND MEANS

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Friday, February 23, 2018  
11:00 a.m.

**WRITTEN TESTIMONY ONLY**

**TESTIMONY ON SENATE BILL NO. 2056, S.D. 1, RELATING TO HEALTH.**

TO THE HONORABLE DONAVAN M. DELA CRUZ, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify in support of S.B. 2056, S.D. 1, Relating to Health. My name is Gordon Ito, and I am the Insurance Commissioner for the Department’s Insurance Division. This bill is a companion to H.B. 1711.

The purpose of this bill is to require restaurants selling children’s meals that include a beverage for a single price to make the default beverage a healthy beverage.

The Department supports the continuing effort to improve children’s health through an increase in awareness that the food choices we make impact our childrens’ and grandchildrens’ health. We support public health policies aimed at reversing the prevalence of obesity in Hawaii, which has more than doubled from 10.6% in 1994 to 22.7% in 2015, according to the State’s Department of Health. This trend will result in poorer health outcomes for our communities, higher healthcare costs, and an increase in health insurance premiums.

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



## American Heart Association testimony in support of SB 2056, SD1, "Relating to Health"

The American Heart Association strongly supports SB 2056, SD1, "Relating to Health." The proposed legislation will reduce the marketing of unhealthy beverages to children by making the default beverage included in kid's meals milk, water, or 100% fruit juice in serving sizes of 6 ounces or less.

Restaurants play a central role in the American diet as people increasingly consume more food away from home. The Rudd Center for Food Policy and Obesity reports that 89 percent of parents make a weekly purchase from a fast-food restaurant for their children. Children now consume about 20 percent of their daily calories at fast food establishments and full-service restaurants. Children and teens who eat at restaurants drink more sodas and less milk than those who eat at home.

Sugary drinks, including soda, energy and sports drinks, and flavored waters, provide the single largest source of calories in the diets of American children. Each additional daily serving of a sugar-sweetened beverage increases a child's chance of becoming obese by 60 percent. Sugary drinks are also associated with a greater risk of cardiovascular disease and high blood pressure in adolescents, dental cavities in children, and inadequate intake of vitamins and minerals.

An extra-small (ten-ounce, child-size) cola contains approximately 33 grams (over 8 teaspoons) of added sugars, which exceeds the 25 grams of added sugars that the American Heart Association (AHA) has established as the daily upper limit for children and teenagers. The AHA recommends that children consume no more than eight ounces of sugary drinks per week; kid-sized beverages vary across restaurants, but are usually six to twelve ounces.

In 2009, the state medical cost attributable to obesity was \$470 million dollars, and this figure continues to rise. As many as 1 in 3 adults could have diabetes by 2050 if current trends continue. Without changes in this trajectory, Hawaii's healthcare costs will be unsustainable for Hawaii's businesses and families. Removing sugary drinks from children's menus can send a signal that they are not appropriate everyday beverages for children and help to establish a healthier next generation. We urge you to support SB 2056, SD1 and help to lead our state in becoming healthier.

Respectfully submitted,

Donald B. Weisman

Hawaii Government Relations/Communications 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.





**Testimony to the Senate Committee on Ways and Means  
Friday, February 23, 2018; 11:00 a.m.  
State Capitol, Conference Room 211**

**RE: SUPPORTING SENATE BILL NO. 2056, SENATE DRAFT 1, RELATING TO HEALTH.**

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2056, Senate Draft 1, RELATING TO HEALTH.

The bill, as received by your Committee, would:

- (1) Require restaurants that sell a children's meal that includes a beverage to make the default beverage offered with the children's meal either:
  - (A) Water, sparkling water, or flavored water, with no added natural or artificial sweeteners;
  - (B) Milk or non-dairy milk alternative; or
  - (C) A serving of six ounces or less of one hundred percent fruit juice;
- (2) Direct restaurants to complete an initial self-certification of compliance, and clarify that the bill be "liberally construed to accomplish its purposes";
- (3) Provide that all laws and parts of laws heretofore enacted that are in conflict with the provisions of this bill be amended to conform with this bill;
- (4) Provide for severability if any provision or application of this bill is invalidated; and
- (5) Take effect on July 1, 2018.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of health.

As a member of the Obesity Prevention Task Force, the HPCA joins the Hawaii Public Health Institute and other advocates in support of efforts to reduce the consumption of sugar in the marketplace.

From a technical standpoint, it is unclear how SECTION 4 of the bill as it is presently drafted would be applied by the Revisor of Statutes, especially in the case where the bill is silent. For example, as presently drafted, there is no penalty provision found for violations. However, Section 321-20, Hawaii Revised Statutes (HRS), already provides the Director the authority to levy fines not to exceed \$1,000 for each day of violation of any provision in Chapter 321, HRS. Does SECTION 4 mean that the Director of Health does not have the statutory authority to levy fines for violations of this bill, even though it would be made part of Chapter 321, HRS?

Also, because SECTION 4 is session laws language, this particular language would not be codified in Chapter 321, HRS, so there would be no way for the general public to know that this requirement applies unless they research the underlying Act that enacted this statutory language.

If it is your Committee's desire to not make the provisions of Section 321-20, HRS, applicable for violations of this new section, one way of doing this would be to add prefatory language in Section 321-20, HRS, so that it would read:

"Except as otherwise provided in Section 321-B,..."

That would make clear that the Legislature does not intend for the penalty provision to apply for violations of the new law. Once enacted, it would be made clear to the Department of Health and the general public how this law should be enforced.

**It is in the spirit of collaboration that we share these observations in the hopes that these issues can be rectified so that real, meaningful reforms can be implemented.**

In advance, thank you for your consideration of our testimony.



Date: February 21, 2018

To: The Honorable Donovan Dela Cruz, Chair  
The Honorable Gilbert Keith Agaran, Vice Chair  
Members of the Senate Committee on Ways and Means

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

Re: STRONG SUPPORT for SB2056 SD1, Relating to Health

Hrg: February 23, 2018 at 11:00am at Conference Room 211

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Thank you for the opportunity to testify in **Strong Support** of SB 2056 SD1, which would require retail food establishments to offer water, milk, and 100% fruit juice that is 6 oz. or less as the default beverage served with children's meals.

Created by the legislature in 2012, the Obesity Prevention Task Force is comprised of over 40 statewide organizations, and works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents. The Hawai'i Public Health Institute (HIPHI) convenes the Task Force and supports and promotes policy efforts to create a healthy Hawai'i.

**Offering healthy beverages as the default option helps to keep our keiki healthy**

Restaurants that offer children's menus typically serve refillable sugary drinks like sodas and fruit punch with their advertised kids' meals. Sugary drinks are the single largest source of added sugars in our kids' diets, making up half of all sugars consumed. This measure helps to support parents in keeping their kids' healthy. Instead of getting a sugary drink without asking for one, kids will have the opportunity to start their meal with a healthy beverage, such as water or milk. With more and more families grabbing a meal on the run or dining out, making the healthy choice can often be challenging. That's why it's so important that restaurants and food establishments serve as venues to promote healthy beverage options as part of the bundled kids' meal.

**SSBs contribute to a poor diet and are associated with obesity, type 2 diabetes, and tooth decay**

Sugar-sweetened beverages have become a staple item in our diet, primarily because they are inexpensive and heavily marketed, especially to kids. SSBs do not deliver any nutrition and studies have shown that consumption of SSBs is associated with obesity, type 2 diabetes, cardiovascular disease, and tooth decay. Drinking just one 8-oz sugary drink per day increases a child's odds of becoming obese by 60%.

Soft drinks are the most common kids' meal beverage, offered by 74% of top chain restaurants. The next most frequent beverage offerings are low fat milk (69%) and fruit juice (65%)<sup>1</sup>. According to a survey

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<sup>1</sup> Center for Science in the Public Interest, 2017

done in 2014 by the National Restaurant Association, 72% of consumers say that they would be more likely to visit a restaurant that offers healthful options<sup>2</sup>. A few large chains including Subway, McDonalds, Wendy's, Burger King, Applebee's, Dairy Queen, Jack in the Box, and IHOP have been offering healthier drinks as a part of their kids' meals. The trend has started with a few large chains and it is time for all restaurants to help our keiki and offer healthier beverage choices.

**An educational campaign must be accompanied by policy change**

Although public health education is key, policy change is necessary to truly affect consumption and make it easier for people to make the healthy choice and to say "no" to unhealthy drinks. Parents simply want more healthy choices for their kids and to cut down on those familiar requests for sugary drinks. This "healthy-by-default" beverage measure makes it easier for parents to provide a healthy beverage for their kids and gives us an opportunity to engage restaurants, community groups and the public around the importance of offering healthy beverage options to young children. It's a step in the right direction. HIPHI is willing and able to partner with the State Department of Health to educate the public on the implementation of this law.

The culture of sugary drinks leads to poor health. In 2015, SR65 was adopted by the State Legislature to encourage food service facilities to serve healthy default beverages. In the last two years, there have been eight jurisdictions that have already enacted healthy by default beverage legislation.

SB 2056 SD1 is an important step in the right direction and helps parents and kids make healthy decisions about what to drink. If this measure is passed, Hawai'i would become the first "Healthy by Default" state and would lead the way in making the healthy choice the easy choice.

Mahalo,



Trish La Chica, MPA  
Policy and Advocacy Director

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<sup>2</sup> National Restaurant Association, 2014

**SB-2056-SD-1**

Submitted on: 2/22/2018 10:25:30 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:



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Bobby Senaha  
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HMSA

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LJ Duenas  
Hawaii Director  
American Diabetes Association

February 21, 2018

Sen. Donovan Dela Cruz, Chair  
Sen. Gilbert Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means  
Hawaii State Capitol

RE: Testimony In Support of SB2056

The American Diabetes Association (Association) supports legislative bills intended to promote type 2 diabetes prevention and persuade strategies to improve health outcomes. We encourage you and your committee to support such measures.

Today, 21 people in Hawaii will be diagnosed with diabetes. This disease is one of the most serious, common, and costly diseases in the United States; costing us over \$322 billion annually. Sugary drinks can significantly increase a person's risk for chronic diseases such as type 2 diabetes, obesity and heart disease; they (sugary drinks) are the single largest source of added sugars in our kids' diets, making up half of all sugars consumed. Efforts are needed to bring awareness to health issues associated with excessive sugar consumption, and policies to help discourage such behaviors.

The Association supports SB2056 which promotes healthy meal options by making the default beverage offered in children's meals a healthy drink, and we ask you to pass this out of committee. We believe SB2056 will reduce consumption of sugary drinks, effectuate changes, and improve health outcomes for our keiki. Help us make the healthy choice, the easy choice.

If you have any questions, please reach out to me by email at [lduenas@diabetes.org](mailto:lduenas@diabetes.org).

Warmest aloha,

LJ Duenas, Hawaii Director  
American Diabetes Association



21 people  
are diagnosed with  
diabetes every day  
in Hawaii

American Diabetes Association  
Pioneer Plaza  
900 Fort Street Mall, Suite 940  
Honolulu, Hawaii 96813  
Tel (808) 947-5979 | Fax (808) 546-7502  
1-888-DIABETES (342-2383)  
[diabetes.org/hawaii](http://diabetes.org/hawaii)  
Federal Tax Identification Number: 13-1623888



**SB-2056-SD-1**

Submitted on: 2/21/2018 12:00:59 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bev Brody	Individual	Support	No

Comments:

**SB-2056-SD-1**

Submitted on: 2/21/2018 3:59:32 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

**SB-2056-SD-1**

Submitted on: 2/21/2018 5:13:02 PM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. Azelski	Individual	Support	No

Comments:

[SB2056](#) would make the default beverage offered in restaurants with kids' meals a healthy drink. Instead of getting a sugary drink without asking for one, kids' meals would come with water, milk, or 100% fruit juice (six oz. or less) by default. Please support this effort.

Date: February 21, 2018

To: The Honorable Donovan Dela Cruz, Chair  
The Honorable Gilbert Keith-Agaran, Vice Chair  
Members of the Senate Committee on Ways and Means

Re: Strong Support of SB2056 SD1, Relating to Health

Hrg: February 23, 2018 at 11:00am at Capitol Room 211

Respected Members of the Senate Committee on Ways and Means,

**I am writing in strong support of SB2056 SD1** that promotes healthful meal options by making the default beverage offered in restaurants with children's meals a healthful drink.

Sugary drinks are the single largest source of added sugars in our kids' diets, making up half of all sugars consumed. Soda and fruit punch contain too much sugar for kids, yet are usually the default beverages served with children's meals.

Consuming just one sugary drink a day significantly increases a child's risk of type 2 diabetes, becoming overweight, and developing tooth decay. With restaurants and fast-food establishments becoming a convenient and popular option for many families, dining out options affect children's diets, **making the policy contained in SB2056 SD1 particularly effective in improving the health of our keiki.**

This measure will help support families by offering a healthful beverage as part of the kids' meal. Instead of getting a sugary drink without asking for one, parents will be given water or milk. It is never too early for children to learn and practice healthful habits, including eating well and exercising regularly. Food establishments are an ideal venue for children to practice these healthful habits and to make it easy for families to make healthful choices.

Passage of SB2056 SD1 will make Hawai'i the first healthful-by-default state. Several cities and counties in California have already passed healthful default ordinances with many more considering similar legislation.

Our keiki are sweet enough. This is a step in the right direction to support parents' efforts to protect their children's health.

**I strongly support SB2056 SD1** and respectfully ask you to pass this out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Keaau, HI

Aloha,

I am testifying in support of **SB2056 SD 1: Healthy by Default**, which would make the default beverage in restaurant kids meals a healthy drink by replacing sugary drinks with water or milk. I support that this bill require restaurants that sell children's meals that include a beverage for a single price to make the default beverage a healthy beverage. The health of children should be thee number one priority. Obesity and diabetes amongst children is a serious public health issue in Hawaii and should be addressed and prevented to ensure a better quality of life for our keiki.

Best,

Lauren Loor

**SB-2056-SD-1**

Submitted on: 2/22/2018 9:47:56 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dan Domizio	Individual	Support	No

Comments:

Aloha!

I support SB 2056, creating healthy dietary choices in school.

It is essential that Hawaii's legislators create a school and community culture that promotes a healthy diet and healthy drinks. We can help if the default drinks and meals offered at schools are the healthiest possible. It will be a part of creating healthy choices in our communities when the kids grow up; they will no longer accept unhealthy choices at home.

Thank you for this opportunity to offer testimony

**SB-2056-SD-1**

Submitted on: 2/22/2018 10:17:05 AM

Testimony for WAM on 2/23/2018 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lydi Morgan Bernal	Individual	Support	No

Comments:

I strongly support this bill. Please help make the healthy choice the easy choice!  
Mahalo!



Dear Senate Committee on Ways and Means,

The Honorable Donovan Dela Cruz, Chair

The Honorable Gilbert Keith-Agaran, Vice Chair Members of the Senate Committee on Ways and Means

Hrg: February 23, 2018 at 11:00am at Capitol Room 211

I strongly support SB2056 SD1, which promotes healthy meal options by making the default beverage offered in restaurants with children's meals a healthy drink.

Sugary drinks are the single largest source of added sugars in our kids' diets, making up half of all sugars consumed. Soda and fruit punch are already too high in sugar for kids, yet it is usually the default beverage served with children's meals. Consuming just one sugary drink a day significantly increases a child's risk to type 2 diabetes, becoming overweight, and developing tooth decay. With restaurants and fast-food establishments becoming a convenient and popular option for many families, dining out options can affect a child's diet, making this policy particularly effective in improving children's health.

This measure will help support families by offering a healthy beverage as part of the kids' meal. Instead of getting a sugary drink without asking for one, parents will be given water, 100% fruit juice or milk. It is never too early for children to practice healthy eating habits such as eating well and exercising regularly. Food establishments are an ideal venue for children to practice these healthy habits and to make it easy for families to make the healthy choice.

Passage of SB2056 SD1 will make Hawai'i the first healthy by default state. Several cities and counties in California have already passed healthy default ordinances with many more considering similar legislation. Our keiki are sweet enough. This is a step in the right direction to support parents' efforts to protect their children's health.

I strongly support SB2056 SD1 and respectfully ask you to pass this out of committee.

Shay Chan Hodges	Erin Bantum	Jenna Lee	Tina Clothier	Pualei Kaohelaulii
Kendra Medeiros	Lorrie Santos	Carol Ignacio	Jeny Bissell	Lee Buenconsejo-Lum
Cyrus Howe	Cristeta Ancog	Patricia Fleck	Helen Barrow	Alan Trinh
Diane Omura	Debbie Apolo	Jean Butel	Lillian Coltin	Paul Ho
Allison Seales	Jen Azuma Chrupalyk	Michael Kellar	Lenora Loo	Valerie J Yontz
Curtis Palmer	Cynthia Chow	JoAnn Yukimura	Christopher La Chica	Patricia Blair
Nikaela Busekrus	Kat McGlone	Skye Madigan	Mae Kyono	Barbara Nosaka

Alyson Borrego	Michelle Gray	Emi Orikasa	Alohalyn Espejo	Marilyn Gagen
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