

SB2200

Measure Title: RELATING TO THE STATEWIDE TRAFFIC CODE.

Report Title: Statewide Traffic Code; Smoking; Motor Vehicle; Minors

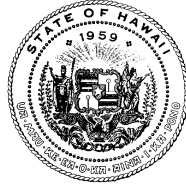
Description: Prohibits smoking in a motor vehicle in which a person under the age of eighteen is present. Requires the department of health to report on the enforceability of this Act and coordination of related data collection activities of the respective law enforcement agencies.

Companion:

Package: None

Current Referral: CPH/TRE, JDC/WAM

Introducer(s): BAKER, S. CHANG, HARIMOTO, INOUYE, TOKUDA, English, Espero, Gabbard, Galuteria, Ihara, Keith-Agaran, Ruderman, Taniguchi, L. Thielen



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of S.B. 2200
RELATING TO THE STATEWIDE TRAFFIC CODE

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

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

Hearing Date: February 9, 2018

Room Number: 229

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

2 **Department Testimony:** The DOH supports Senate Bill 2200 (S.B. 2200) 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 2200 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.

1 Leading health authorities throughout the world concur that there is no risk-free level of
2 exposure to secondhand smoke, and that the only effective way to protect people from harm is to
3 totally eliminate smoking in enclosed spaces.¹ A new study published by the U.S. Centers for
4 Disease Control and Prevention (CDC) indicates that approximately 15% of American teens who
5 have never used tobacco reported being exposed to harmful secondhand smoke in a car in the
6 past week.² Hawaii high school students in 2015 reported an even higher rate of exposure of
7 18%.³

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

¹ 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

² 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>

³ *Hawaii Youth Tobacco Survey* (2015)

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

⁵ *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.

⁶ 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/>

⁷ 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.

⁸ 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.

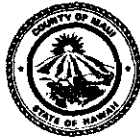
⁹ *Non-Smokers’ Rights Assn, Smoking and Health Action Foundation, Second-hand Smoke in Homes and Cars 3-4* (2007)
http://www.nsraadnf.ca/cms/file/files/pdf/DOCU_07_02_22_SHS_HomeCarsFinalUpdate.pdf.

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February 7, 2018

TO: The Honorable Lorraine R. Inouye, Chair
Committee on Transportation and Energy
The Honorable Rosalyn H. Baker, Chair
Committee on Commerce, Consumer Protection, and Health

FROM: Yuki Lei K. Sugimura
Councilmember

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura".

SUBJECT: **HEARING OF FEBRUARY 9, 2018; TESTIMONY IN SUPPORT OF
SB 2200, RELATING TO THE STATEWIDE TRAFFIC CODE**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to amend state law to prohibit smoking in a motor vehicle when a minor is present. It also requires the department of health to report on the enforceability of this Act and coordination of related data collection activities of the respective law enforcement agencies.

I am pleased to say that the Maui County Council passed a bill which will make it illegal for adults to smoke in a vehicle when a minor is present. This bill goes into effect on July 1, 2018.

I support this measure for the following reasons:

1. The legislature finds that secondhand smoke is a dangerous class A carcinogen, in the same class as asbestos and benzene. Secondhand smoke typically contains at least seven thousand identifiable chemicals, around seventy of which are known or probable carcinogens.
2. Children run a greater risk of suffering from the damaging health effects of secondhand smoke because children have a higher exposure risk and are susceptible to more health problems.
3. Studies have found that secondhand smoke exposure in vehicles is more concentrated than in bars and restaurants because the smoke causes the air to be many times more toxic than what the Environmental Protection Agency considers hazardous air quality, even when a window is down.

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Page 2

Secondhand smoke can cause heart disease, lung cancer, and strokes, according to the Centers for Disease Control and Prevention.

For the foregoing reasons, I support this measure.



Date: February 7, 2018

To: The Honorable Rosalyn H. Baker, Chair
The Honorable Jill N. Tokuda, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Lorraine R. Inouye, Chair
The Honorable Will Espero, Vice Chair
Members of the Senate Committee on Transportation and Energy

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

Re: **Strong Support for SB2200, Relating to the Statewide Traffic Code**

Hrg: February 9, 2018 at 9:00am at Capitol Room 229

Thank you for the opportunity to submit testimony in SUPPORT of SB2200, 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 presentⁱ.

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 downⁱⁱ.

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 childrenⁱⁱⁱ. Further, smoking emits fifty times more fine particles into a car than those emitted per-mile by a car's tailpipe^{iv v}.

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^{vi}.

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 SB2200 out of committee.

Mahalo,



Trish La Chica
Policy and Advocacy Director

ⁱ 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.

ⁱⁱ 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>

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

^{iv} 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>.

^v 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.

^{vi} 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 cares 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>

SB-2200

Submitted on: 2/6/2018 5:23:22 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments:

This bill is a waste of legislative time since county bans unfortunately already exist. SB2200 is just another bigoted slap in the face to our freedoms and liberties.

SB-2200

Submitted on: 2/5/2018 5:27:27 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

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

Comments:

SB-2200

Submitted on: 2/5/2018 7:26:35 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

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

Comments:

SB-2200

Submitted on: 2/6/2018 8:49:03 AM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Powell		Oppose	No

Comments:

AMENDMENT REQUESTED.

This bill should be changed to overturn the unfair and unjust county level bans with the following amendment: "no county shall prohibit smoking in a private motor vehicle".

Thank You

SB-2200

Submitted on: 2/7/2018 12:58:22 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin		Support	No

Comments:

SB-2200

Submitted on: 2/7/2018 2:20:32 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pat gegen		Support	No

Comments:

SB-2200

Submitted on: 2/7/2018 4:33:51 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
shaina young		Support	No

Comments:

smoking & vaping (with or without tobacco, nicotine) is just another endangerment to human health. there is already so many toxic substances in the environment, we do NOT need to add to it!

SUPPORT!

SB-2200

Submitted on: 2/7/2018 5:23:24 PM

Testimony for CPH on 2/9/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Oswald		Oppose	No

Comments: