

Honolulu, Hawaii  
, 2020

FEB 11

RE: H.B. No. 1995  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 1995 entitled:

"A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to prohibit smoking and the use of tobacco products on the premises of substance abuse treatment facilities.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Public Health Institute, and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition, Habilitat, and two individuals.

Your Committee has heard the concerns raised by testifiers who emphasized that prohibiting tobacco use within a treatment setting may create an obstacle to getting help. It is therefore critical to ensure that appropriate treatments and supports are available when transitioning substance abuse treatment facilities to a smoke-free environment. Your Committee finds that adopting a holistic approach when determining whether to ban smoking on these premises is important, including considering what services and supports need to be in place to treat facility residents' smoking



dependence, while also being mindful that these residents are also battling other health issues and life challenges.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited smoking and tobacco use on the premises of any substance abuse treatment facility;
- (2) Requiring the Department of Health to:
  - (A) Convene a working group to study and examine the effects of prohibiting smoking and tobacco product use on the premises of substance abuse treatment facilities and whether it encourages addiction; and
  - (B) Submit the working group's report of its findings and recommendations, including proposed legislation, to the Legislature prior to the Regular Session of 2021;
- (3) Adding the Executive Director of Habilitat, or the Executive Director's designee, to the working group;
- (4) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1995, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1995, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Human Services &  
Homelessness,



JOY A. SAN BUENAVENTURA, Chair



**Record of Votes of the Committee on Human Services & Homelessness**

<b>Bill/Resolution No.:</b> HB 1995	<b>Committee Referral:</b> HSH, JUD	<b>Date:</b> 1/31/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>HSH Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. SAN BUENAVENTURA, Joy A. (C)	✓			
2. NAKAMURA, Nadine K. (VC)	✓			
3. BELATTI, Della Au	✓			
4. KOBAYASHI, Bertrand	✓			
5. MIZUNO, John M.	✓			
6. SAY, Calvin K.Y.				✓
7. TOKIOKA, James Kunane	✓			
8. WARD, Gene	✓			
<b>TOTAL (8)</b>	<b>7</b>			<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Nadine K. Nakamura</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				