

Honolulu, Hawaii

FEB 07 , 2020

RE: H.B. No. 2049
H.D. 1

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

Sir:

Your Committees on Health and Lower & Higher Education, to which was referred H.B. No. 2049 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Direct public school teachers and educators to confiscate electronic cigarettes and electronic cigarette products; and
- (2) Require public schools to coordinate with the appropriate county police departments for the proper disposal of confiscated electronic cigarettes and electronic cigarette products.

Your Committees received testimony in support of this measure from the Hawaii Primary Care Association, Irie Hawaii, Tobacco King LLC, and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii State Teachers Association, Hawaii Smokers Alliance, and thirteen individuals. Your Committees received comments on this measure from the Department of Education, Department of Health, and Coalition for a Tobacco-Free Hawaii.



Your Committees find that under existing law, any tobacco product or electronic smoking device found in a student's possession is seized by the school administration and forfeited to law enforcement. Your Committees note that requiring public school teachers and educators to confiscate electronic cigarettes and electronic cigarette products may be problematic and difficult to implement. Your Committees further find that it is imperative for confiscated electronic smoking devices to be removed on a consistent and timely schedule.

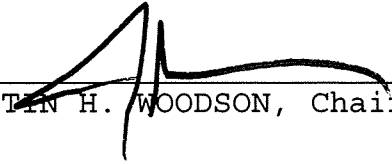
Accordingly, your Committees have amended this measure by:

- (1) Changing references to "electronic cigarettes" and "electronic cigarette products" to "electronic smoking devices" and "electronic smoking device products";
- (2) Authorizing, rather than requiring, teachers and educators to confiscate electronic smoking devices and electronic smoking device products;
- (3) Requiring public schools to coordinate with county police departments for the proper disposal of confiscated items within three months of confiscation;
- (4) Inserting a repeal date of January 1, 2023;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

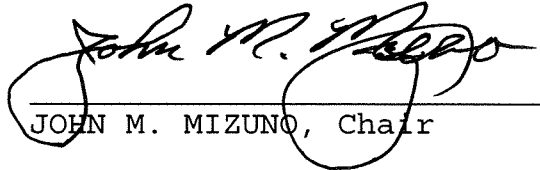
As affirmed by the records of votes of the members of your Committees on Health and Lower & Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2049, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2049, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Health and Lower
& Higher Education,



JUSTIN H. WOODSON, Chair



JOHN M. MIZUNO, Chair



