



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony COMMENTING on H.B. 1956 H.D. 1**  
**RELATING TO TOBACCO**

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

SENATOR MICHELLE N. KIDANI, CHAIR  
SENATE COMMITTEE ON EDUCATION

Hearing Date: March 11, 2020

Room Number: 229

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) provides comments on House Bill  
3 1956, House Draft 1 (H.B. 1956, H.D. 1) and defers to the Department of Education (DOE)  
4 regarding addressing the consequences for underaged use of tobacco on school property or at  
5 school functions.

6 Evidence is not available to support requiring student Electronic Smoking Device (ESD)  
7 users to attend tobacco education courses will result in youth cessation. The 2020 Report of the  
8 U.S. Surgeon General on Smoking Cessation concluded there is still insufficient evidence on the  
9 best practices to help youth quit.<sup>1</sup> Evidence-based approaches to tobacco prevention and control  
10 are widely demonstrated and documented. The Centers for Disease Control and Prevention, and  
11 the U.S. Surgeon General have issued recommendations for states: 1) mass-reach health  
12 communications campaigns; 2) increasing the unit price of tobacco products; 3) comprehensive

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<sup>1</sup>U.S. Department of Health and Human Services. Smoking Cessation. A Report of the Surgeon General. Atlanta, GA: 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, 2020.  
<https://www.hhs.gov/sites/default/files/2020-cessation-sgr-full-report.pdf>. [retrieved 3-9-2020]

1 smoke free policies; and 4) restricting flavored tobacco products.<sup>2,3,4</sup> Hawaii still lacks parity in  
2 policies between combustible cigarettes and ESDs, and those that protect youth from tobacco  
3 industry marketing of products that are addictive, come in enticing flavors, are low-cost, high-  
4 tech, and easily concealed.

5 H.B. 1956, H.D. 1 proposes that a person under twenty-one who uses tobacco at a public  
6 school or a public school function attend a tobacco education course as an alternative to youth  
7 penalties for use and possession of tobacco on school property. Smoking or use of tobacco  
8 products including ESDs is a Class C offense in the [Hawaii Administrative Rules, Title 8,](#)  
9 [Chapter 19](#). The DOH supports the DOE's existing approach to disciplinary action that  
10 emphasizes interventions to teach students appropriate behaviors and supports the adoption of  
11 curriculum in tobacco education and prevention. The DOH and DOE are committed to  
12 coordinate on ESD prevention activities and to share resources that can be used within standards-  
13 based health education classes such as the [Stanford Tobacco Prevention Toolkit](#), and Hawaii-  
14 based materials created for educators and parents.

15 Thank you for the opportunity to testify.

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<sup>2</sup>Centers for Disease Prevention and Control. Tobacco Control Interventions, What are Effective Statewide State Interventions. <https://www.cdc.gov/policy/hst/hi5/tobaccointerventions/index.html>. [retrieved 2-23-2020].

<sup>3</sup>Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. 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>4</sup>National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General [Internet]. Atlanta (GA): Centers for Disease Control and Prevention (US); 2016. Chapter 5, E-Cigarette Policy and Practice Implications. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK538682/>



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/11/2020

**Time:** 09:00 AM

**Location:** 229

**Committee:** Senate Commerce, Consumer  
Protection, and Health  
Senate Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1956, HD1 RELATING TO TOBACCO.

**Purpose of Bill:** Establishes a requirement that persons under 21 years of age who use tobacco at a public school or public school function attend a tobacco education course. Appropriates funds. Takes effect on 7/1/2050. (HD1)

**Department's Position:**

The Department of Education (Department) respectfully offers comments on HB 1956, HD1.

One of the Department's priorities is the safety and well-being of all students. As part of the consistent effort to empower students to make positive decisions about their health, the Department adopted the National Health Education Standards (NHES) in December 2019.

These high-quality K-12 standards-based Health Education curriculum, instruction, and assessments provide the framework for increasing positive health behaviors by teaching skills that are relevant and applicable to daily life, including promoting a tobacco-free lifestyle (i.e. all forms of tobacco products, nicotine products, electronic smoking devices). This includes avoiding experimentation and use of tobacco, avoiding second-hand smoke, and providing support for tobacco-free environments.

The Department is proactive in educating students and promoting public awareness as to the harmful risks and dangers associated with all tobacco products, including e-cigarettes.

The Department already has the following in place in regards to Health Education:

- It is required in all elementary grades;
- One semester per grade is strongly recommended in middle school; and
- A one-semester course is required for graduation in high school, grades 9-12.

Title 8, Chapter 19, Hawaii Administrative Rules (HAR), provides that students who are found in possession of, use, sale or distribution of tobacco products on campus, other Department premises, on Department transportation, or during a Department-sponsored activity or event on or off school property may be subject to disciplinary actions, in addition to interventions to teach and support appropriate behavior.

Therefore, the Department respectfully suggests that it already fully engages in tobacco product and e-cigarette-related prevention education, maintains sufficient statutory and administrative authority related to the use and possession of these products, and ensures appropriate consequences and support for students in violation of Hawaii's laws and Department rules.

Thank you for the opportunity to provide testimony on HB 1956, HD1.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



**Testimony to the Senate Joint Committee on Commerce, Consumer Protection, and  
Health, and Education  
Wednesday, March 11, 2020; 9:00 a.m.  
State Capitol, Conference Room 229**

**RE: HOUSE BILL NO. 1956, HOUSE DRAFT 1, RELATING TO TOBACCO.**

Chair Baker, Chair Kidani, 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** House Bill No. 1956, House Draft 1, RELATING TO TOBACCO.

The bill, as received by your Committee, would:

- (1) Require any person under the age of twenty-one who uses tobacco, including chewing tobacco, at a public school or public school function to attend a tobacco education course;
- (2) Appropriate an unspecified amount of general funds for fiscal year 2020-2021, to be expended by the Department of Education, for tobacco education courses;
- (3) Take effect on July 1, 2050.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved 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 healthcare.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

**Testimony on House Bill No. 1956, House Draft 1**  
**Wednesday, March 11, 2020; 9:00 a.m.**  
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It is for this reason that the HPCA joins the American Cancer Society of Hawaii, the Hawaii Public Health Institute, and other advocates in strong support of all efforts to rid the marketplace of these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or [eabe@hawaiiipca.net](mailto:eabe@hawaiiipca.net).



## HIPHI Board

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Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: March 9, 2020

To: Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair  
Members of the Commerce, Consumer Protection, and Health  
Committee

Senator Michelle N. Kidani, Chair  
Senator Donna Mercado Kim, Vice Chair  
Members of the Education Committee

Re: Support HB 1956, HD1, Relating to Tobacco

Hrg: March 11, 2020 at 9:00 am at Conference Room 229

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Support of HB 1956, HD1**, which requires people under the age of 21 that are caught using tobacco products at public schools or public school functions to take a tobacco education course. The tobacco education course would need to be approved by the Department of Health that integrates best practices for tobacco cessation.

### **This measure helps to protect our keiki from a lifetime of addiction.**

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act.

Nicotine is highly addictive, and youth with developing brains are more susceptible to addiction to nicotine. Because not all smoking cessation products and programs are suitable for youth, they may need a solution that is specific to youth. The Coalition defers to the Department of Health and Department of Education on the selection and implementation of this program.

**This bill provides an alternative to youth penalties for use and possession of tobacco products, including e-cigarettes.**

Possession of tobacco products by underage persons (“PUP”) unfairly punish and stigmatize children, who become addicted at such a young age as a result of the tobacco industry’s aggressive marketing to kids. The Coalition opposes PUP laws, a known tobacco industry tactic<sup>ii</sup> that shift the blame away from the industry’s irresponsible marketing and retailers’ violations of our Tobacco 21 law. Further, PUP laws are not effective on reducing underage tobacco use and divert policy attention from effective tobacco control strategies and reinforce the tobacco industry’s position that parents or guardians are responsible for restricting minors’ access to tobacco. This bill offers education which is a more suitable consequence and is intended to help youth quit.

Comprehensive tobacco control policies will be needed in order to reduce youth e-cigarette use in Hawai‘i. In addition to youth education and cessation courses, we also need other policies that are known to be effective at reducing tobacco use. This measure will help to address e-cigarette use on school facilities and at school events, but youth are using these products both on and off-campus.

The Centers for Disease Control and Prevention outlines a number of proven strategies to prevent youth tobacco use, which include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco products; tobacco prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

We respectfully urge the committee to **pass HB 1956, HD1.**

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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<sup>i</sup> 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 more than 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.

The Hawai‘i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

<sup>ii</sup> Wakefield M, Giovino G Teen penalties for tobacco possession, use, and purchase: evidence and issues Tobacco Control 2003;12:i6-i13; via [https://tobaccocontrol.bmj.com/content/12/suppl\\_1/i6.citation-tools](https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools)



**LATE**

**HB-1956-HD-1**

Submitted on: 3/10/2020 12:37:07 PM  
Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

HB1956 is a waste of time and money.

**HB-1956-HD-1**

Submitted on: 3/7/2020 8:21:20 AM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Santiago	Individual	Oppose	No

Comments:

**HB-1956-HD-1**

Submitted on: 3/6/2020 5:04:32 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Arbeit	Individual	Support	No

Comments:

It has been established that tobacco in any form is highly addicting and that the earlier a person starts with tobacco, the harder it is for them to quit. So anything we can do to curtail children's getting addicted to tobacco is very welcome.

**HB-1956-HD-1**

Submitted on: 3/7/2020 2:01:24 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

You're going to do this to 18-21 voting age adults. Wow!

**HB-1956-HD-1**

Submitted on: 3/8/2020 8:44:45 AM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Dietrich	Individual	Oppose	No

Comments:

Date: March 8, 2020

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

The Honorable Michelle N. Kidani, Chair  
The Honorable Donna Mercado Kim, Vice Chair  
Members of the Senate Committee on Education

Re: **Strong Support for HB1956 HD1**, Relating to Tobacco

Hrg: March 11, 2020 at 9:00 AM in Capitol Room 229

Aloha Senate Committees on Commerce, Consumer Protection and Health and Education

As a parent, educator and health professional, I am writing in **strong support of HB1956 HD1**, which establishes a requirement that persons under 21 years of age who use tobacco at a public school or public school function attend a tobacco education course and appropriates funds.

Requiring tobacco education for underage tobacco product users is a positive, effective step in addressing youth tobacco use. This sends a message of caring and concern, provides underage victims of tobacco industry advertising and nicotine addiction with an opportunity to learn about, and seek assistance for, nicotine addiction.

I greatly appreciate HB1956 HD1 as an alternative to ineffective possession and use penalties that penalize the victims, our kids, rather than the industry that targets our keiki.

I **strongly support HB1956 HD1** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI

**HB-1956-HD-1**

Submitted on: 3/8/2020 10:41:51 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Mih	Individual	Support	No

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I support this bill.

Hawaii has one of the highest rates of middle schoolers (16%) and high schoolers (26%) currently using e-cigarettes—it is twice the national average. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on.

Once young people are addicted to nicotine, it is extremely difficult to quit. Education, rather than financial penalties, are the appropriate way to address the use of nicotine products in young people.

Mahalo for your consideration and support of this measure.

**HB-1956-HD-1**

Submitted on: 3/7/2020 12:01:38 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denny Diez	Individual	Oppose	No

Comments:



**HB-1956-HD-1**

Submitted on: 3/9/2020 9:43:54 AM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Owens	Individual	Oppose	No

Comments:

**HB-1956-HD-1**

Submitted on: 3/9/2020 2:52:07 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jake J. Watkins	Individual	Oppose	No

Comments:

**HB-1956-HD-1**

Submitted on: 3/9/2020 3:10:56 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vickie Parker Kam	Individual	Support	No

Comments:

Aloha Chair Kidani and Vice Chair Kim Mercado,

I am writing in STRONG support of HB1956 HD1. As an intermediate grade public school educator, I am daily saddened to see my students vaping. Please support our students and their future health by getting them additional educational opportunities through this bill.

Mahalo - Vickie Kam, Ilima Intermediate School Teacher

**HB-1956-HD-1**

Submitted on: 3/9/2020 5:22:56 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Higa	Individual	Oppose	No

Comments:

**HB-1956-HD-1**

Submitted on: 3/9/2020 5:11:04 PM

Testimony for CPH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael S. Nakasone	Individual	Oppose	No

Comments: