

The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2021 Regular Session

House Committee on Pandemic & Disaster Preparedness

Representative Linda Ichiyama, Chair
Representative Stacelynn K. M. Eli, Vice Chair

February 2, 2021, 9:45 a.m.
State Capitol, Conference Room 309

WRITTEN TESTIMONY

By:

Mark M. Santoki
Acting Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 726, Relating to Face Coverings.

Purpose: Requires every person to wear a face covering when in a public setting, subject to certain exceptions. Establishes a fine for failure to wear a face covering. Sunsets December 31, 2021.

Judiciary's Position:

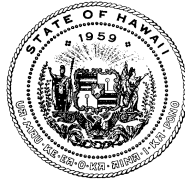
The Judiciary takes NO POSITION on this measure, providing the following comments.

The proposed bill would establish a face covering mandate and indicates that a person not wearing a face covering would be in violation of the mandate and would be subject to a fine. However, it is unclear from the proposed bill if the fine would be criminal or civil. If the intention is for the fine to be criminal then the Judiciary would suggest language that clearly establishes that a person not complying with this mandate would be subject to a violation as defined by Hawaii Revised Statute § 701-107(5). A violation is a criminal offense in which the penalty would result in only a fine and does not create a criminal record. A violation is processed by the courts as other criminal penalties and requires the defendant to appear in court.

Testimony for House Bill No. 726, Relating to Face Coverings
House Committee on Pandemic & Disaster Preparedness
Tuesday, February, 2, 2021 @9:45am
Page 2

If however, the proposed bill intends to create a non-criminal infraction similar to a traffic infraction, the Judiciary would suggest HB 725 as that measure includes the framework needed by the courts to create a new case type and properly adjudicate these infractions. If such a framework is created, a fine could be paid without a court appearance. The Judiciary anticipates that creating this new case type in the Judiciary Information Management System (JIMS) will require an appropriation of \$40,000 for the development, testing and software changes needed.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on H.B. 726
RELATING TO FACE COVERINGS**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

Hearing Date: 2/2/2021

Room Number: VIA VIDEO CONFERENCE

1 **Department Testimony:** Thank you for the opportunity to provide comment on House Bill 726
2 that requires every person to wear a face covering when in a public setting, subject to certain
3 exceptions.

4 COVID-19 is a respiratory illness, primarily transmitted by droplets generated by (but not
5 limited to) people coughing, sneezing, talking, or breathing. Face masks can be used to reduce
6 the possibility of transmission by both blocking/reducing the emission of droplets containing the
7 virus, and by preventing the droplets from being inhaled. The Centers for Disease Control and
8 Prevention (CDC) recommends that masks be used to prevent the transmission of SARS-CoV-2
9 in communities.¹ Mask usage should be accompanied by other preventative measures including
10 hand hygiene and social distancing.

11 There is substantial evidence from observational and epidemiological studies that have
12 shown the effectiveness of mask use in the community. (*The following examples are taken
13 directly from the CDC page: Scientific Brief: Community Use of Cloth Masks to Control the
14 Spread of SARS-CoV-2*¹)

- 15 • An investigation of a high-exposure event, in which 2 symptomatically ill hair stylists
16 interacted for an average of 15 minutes with each of 139 clients during an 8-day

¹ Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2:
<https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>

- 1 period, found that none of the 67 clients who subsequently consented to an interview
2 and testing developed infection. The stylists and all clients universally wore masks in
3 the salon as required by local ordinance and company policy at the time.²
- 4 • In a study of 124 Beijing households with > 1 laboratory-confirmed case of SARS-
5 CoV-2 infection, mask use by the index patient and family contacts before the index
6 patient developed symptoms reduced secondary transmission within the households
7 by 79%.³
 - 8 • A retrospective case-control study from Thailand documented that, among more than
9 1,000 persons interviewed as part of contact tracing investigations, those who
10 reported having always worn a mask during high-risk exposures experienced a greater
11 than 70% reduced risk of acquiring infection compared with persons who did not
12 wear masks under these circumstances.⁴
 - 13 • A study of an outbreak aboard the USS Theodore Roosevelt, an environment notable
14 for congregate living quarters and close working environments, found that use of face
15 coverings on-board was associated with a 70% reduced risk.⁵
 - 16 • Investigations involving infected passengers aboard flights longer than 10 hours
17 strongly suggest that masking prevented in-flight transmissions, as demonstrated by

² Hendrix MJ, Walde C, Findley K, Trotman R. Absence of Apparent Transmission of SARS-CoV-2 from Two Stylists After Exposure at a Hair Salon with a Universal Face Covering Policy – Springfield, Missouri, May 2020. *MMWR Morb Mortal Wkly Rep.* 2020;69(28):930-932.10.15585/mmwr.mm6928e2. <https://www.ncbi.nlm.nih.gov/pubmed/32673300>

³ Wang Y, Tian H, Zhang L, et al. Reduction of secondary transmission of SARS-CoV-2 in households by face mask use, disinfection and social distancing: a cohort study in Beijing, China. *BMJ Glob Health.* 2020;5(5).10.1136/bmjgh-2020-002794. <https://www.ncbi.nlm.nih.gov/pubmed/32467353>

⁴ Doung-Ngern P, Suphanchaimat R, Panjangampatthana A, et al. Case-Control Study of Use of Personal Protective Measures and Risk for Severe Acute Respiratory Syndrome Coronavirus 2 Infection, Thailand. *Emerg Infect Dis.* 2020;26(11).10.3201/eid2611.203003. <https://www.ncbi.nlm.nih.gov/pubmed/32931726>

⁵ Payne DC, Smith-Jeffcoat SE, Nowak G, et al. SARS-CoV-2 Infections and Serologic Responses from a Sample of U.S. Navy Service Members – USS Theodore Roosevelt, April 2020. *MMWR Morb Mortal Wkly Rep.* 2020;69(23):714-721.10.15585/mmwr.mm6923e4. <https://www.ncbi.nlm.nih.gov/pubmed/32525850>

1 the absence of infection developing in other passengers and crew in the 14 days
2 following exposure.^{6,7}

3 Additional community level analyses showed that the implementation of universal masking
4 policies preceded a significant decrease in infections and reductions in mortality.¹ Observational
5 data collected by Hawaii Emergency Management Agency (HI-EMA) and Emergency Support
6 Function 8 (ESF-8) show that in commercial sites where masks are expected to be worn at all
7 times, compliance with the requirement was 86% statewide.

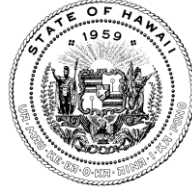
8 HDOH agrees that mask use is an effective means of preventing transmission of SARS-CoV-
9 2, especially when used in conjunction with other preventive methods. The Department of
10 Health defers to law enforcement entities on matters of enforcement of the policies.

11 Thank you for the opportunity to testify on this measure

⁶ Schwartz KL, Murti M, Finkelstein M, et al. Lack of COVID-19 transmission on an international flight. *Cmaj*. 2020;192(15):E410.10.1503/cmaj.75015. <https://www.ncbi.nlm.nih.gov/pubmed/32392504>

⁷ Freedman DO, Wilder-Smith A. In-flight Transmission of SARS-CoV-2: a review of the attack rates and available data on the efficacy of face masks. *J Travel Med*. 2020.10.1093/jtm/taaa178. <https://www.ncbi.nlm.nih.gov/pubmed/32975554>

LATE



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Pandemic & Disaster Preparedness
Tuesday, February 2, 2021
9:45 a.m.
Via Videoconference**

**On the following measure:
H.B. 726, RELATING TO FACE COVERINGS**

Chair Ichiyama and Members of the Committee:

My name is Iris Ikeda, and I am the Commissioner of the Department of Commerce and Consumer Affairs' (Department) Division of Financial Institutions. The Department offers comments on this bill.

The purposes of this bill are to: (1) require every person to wear a face covering when in a public setting, subject to certain exceptions; and (2) establish a fine for failure to wear a face covering. If enacted, this bill will sunset on December 31, 2021.

The Department requests amending paragraph (8) on page 2, lines 11 through 13 of the bill to read: "Instances where a financial institution's policy, based on security concerns, ~~[prohibit the wearing of]~~ allows customers to momentarily remove face coverings; coverings to complete a transaction;" For security reasons, financial institutions' branch staff request customers to briefly remove their masks to visually verify and validate their identity before processing a transaction. This is the only time customers should remove their face coverings. At all other times while in a financial

Testimony of DCCA

H.B. 726

Page 2 of 2

institution branch, customers should continue to wear face coverings for health and safety reasons.

Thank you for the opportunity to testify on this bill.



February 1, 2021

The Honorable Linda Ichiyama, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair
House Committee on Pandemic & Disaster Preparedness

Re: HB 726 – Relating to Face Coverings

Dear Chair Ichiyama, Vice Chair Eli, and Committee Members:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 726, which requires every person to wear a face covering when in a public setting, subject to certain exceptions; and establishes a fine for failure to wear a face covering. With effect upon its approval and shall be repealed on December 31, 2021.

HMSA appreciates the intent of this measure. We do suggest an amendment to the sunset language that accounts for the point in which our community is able to successfully reach herd immunity, and that HB 726 will be repealed at the conclusion of the COVID-19 related emergency order or December 31, 2021, whichever occurs first.

Thank you for allowing us to testify on HB 726. Your consideration of our comments is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Sasaki". The signature is fluid and cursive, with the first name being the most prominent.

Matthew W. Sasaki
Director, Government Relations

LATE

HB-726

Submitted on: 2/1/2021 1:15:18 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mufi Hannemann	Hawai'i Lodging & Tourism Association	Support	No

Comments:

Testimony of

Mufi Hannemann

President & CEO

Hawai'i Lodging & Tourism Association

Committee on Pandemic & Disaster Preparedness

House Bill 726: Relating to Face Coverings

Chair Ichiyama and members of the Committee, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers —has long pushed for a measure that would fine individuals who flout public health mandates meant to slow the spread of COVID-19. In the earliest days of the pandemic, thousands of citations were handed out to those observed without a proper face covering in public spaces. Unfortunately, these were classified as misdemeanors and required a court appearance. This ultimately resulted in countless cases being dismissed for a variety of reasons, rendering mask mandates all but unenforceable.

HLTA has gone on the record multiple times to advocate for the adoption of a measure similar to HB726 which would impose a fine upon those that are skirting regulations that require a mask. This bill would not only make public health policies enforceable, but also serve as a deterrent for those individuals who would otherwise put the health and

safety of their neighbors at risk. **For these reasons, HLTA strongly supports House Bill 726.**

Mahalo for the opportunity to provide this testimony.

Tuesday, February 2, 2021 at 9:45 AM
Via Video Conference

House Committee on Pandemic & Disaster Preparedness

To: Representative Linda Ichiyama, Chair
Representative Stacelynn K.M. Eli, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of HB 726
Relating to Face Coverings**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of HB 726 which would require every person to wear a face covering when in a public setting and establishes fines for the failure to do so.

We at HPH are committed to caring for the health and wellbeing of our communities. The health and safety of our patients, visitors, providers and staff is our top priority. With the increase in the number of COVID-19 cases, we understand that everyone is concerned about controlling the spread of the virus in the state.

The Center for Disease Control (CDC) recommends community use of masks by everyone two years of age and older to prevent the transmission of the virus. Face coverings reduce the emission of virus-laden droplets which is especially important for asymptomatic or presymptomatic infected individuals who feel well and may be unaware of their infectiousness to others. Studies conducted both in the United States and internationally demonstrated the effectiveness of community mask wearing. Thus, the community benefit of wearing a mask or face covering is vital to preventing people from contracting COVID-19 and from spreading the disease.

Thank you for the opportunity to testify.



**THE QUEEN'S
HEALTH SYSTEMS**

LATE

February 2, 2021

The Honorable Linda Ichiyama, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair
Members, House Committee on Pandemic & Disaster Preparedness

Re: Support of HB726: Relating to Face Coverings

Dear Chair Ichiyama, Vice Chair Eli, and Committee Members:

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 1,500 affiliated physicians and providers statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to testify in support of HB726, relating to face coverings, which would place into statute the requirement that every person be required to wear a face covering that covers their nose and mouth when in a public setting. We concur with the amendments suggested by Hawaii Medical Service Association (HMSA).

Thank you for allowing Queen's to provide this testimony in support of HB726.

Sincerely,

Jill Hoggard Green, Ph.D., R.N.
President & Chief Executive Officer
The Queen's Health Systems

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

Tuesday, February 2, 2021 at 9:45 AM
Via Video Conference

House Committee on Pandemic & Disaster Preparedness

To: Representative Linda Ichiyama, Chair
Representative Stacelynn K.M. Eli, Vice Chair

From: Ray Vara
President & CEO

Re: **Testimony in Support of HB 726
Relating to Face Coverings**

My name is Ray Vara and I am the President and CEO of Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox - and over 70 locations statewide with a mission of creating a healthier Hawai'i.

I write in support of HB 726 which would require every person to wear a face covering when in a public setting and establishes fines for the failure to do so.

We at HPH are committed to caring for the health and wellbeing of our communities and for the quick recovery of our economy. With the increase in the number of COVID-19 cases, we understand that everyone is concerned and has a personal responsibility to control the spread of the virus in the state.

The most effective way to prevent the spread of COVID-19 is the use of face-masks or face coverings. The Center for Disease Control (CDC) recommends community use of masks by everyone two years of age and older to prevent the transmission of the virus. Face coverings reduce the emission of virus-laden droplets which is especially important for asymptomatic or pre-symptomatic infected individuals who feel well and may be unaware of their infectiousness to others.

Establishing a uniform statewide requirement of wearing a mask or face covering is vital to preventing people from contracting COVID-19 and from spreading the disease.

Thank you for the opportunity to testify.

LATE

BEFORE THE
COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS
Representative Linda Ichiyama, Chair
Representative Stacelynn Eli, Vice Chair

HB 726 Relating to Face Coverings

TESTIMONY BY

MICAH A. KANE
President & CEO
Hawai'i Community Foundation

Tuesday, February 2, 2021, 9:45 am
Via Video Conference

Chair Ichiyama, Vice Chair Eli, and members of the House Committee on Pandemic & Disaster Preparedness:

My name is Micah Kane, President & CEO of the Hawai'i Community Foundation. I am submitting this testimony in SUPPORT of HB 726 that requires every person to wear a face covering when in a public setting, subject to certain exceptions and establishes a fine for failure to comply.

It has been objectively well established that wearing a face covering is an effective means of reducing the spread of the COVID-19 virus. We believe that this requirement and a fine system for failure to comply is an effective way of both requiring compliance and handling any failure to comply. We believe that the exceptions provided in the bill take the learnings from the past 10-months of our community living with the virus and create a reasonable definition of the face mask requirement.

As we do our part as the Hawaii Community Foundation to bring the philanthropic community as a collaborative partner to the efforts of government, the private sector, healthcare and others who continue to serve those who need assistance during the pandemic, we are supportive of measures like this that seeks to reduce the spread of the virus. These collective efforts are necessary to help accelerate the recovery of our entire statewide community.

We strongly support HB726, and look forward to further discussion on the bill. Thank you for the opportunity to provide testimony on this matter.

###

HB-726

Submitted on: 1/30/2021 2:22:29 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Oppose	No

Comments:

Strongly oppose. We shouldn't be forced to wear face coverings outside when there's no one else around us. There's no common sense in any of the state of Hawaii's masks rules. Covid doesn't know not to spread when you're sitting on a restaurant table versus when you're walking to the restroom. Biggest question: what is the PLAN for our future? We all broke and just waiting on all of the politicians who didn't lose their paychecks or health benefits in these past ten months.



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Executive Officers

Joe Carter, Coca-Cola Bottling of Hawaii, *Chair*
Charlie Gustafson, Tamura Super Market, *Vice Chair*
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Lauren Zirbel, HFIA, *Executive Director*
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Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Beau Oshiro, C&S Wholesale Grocers, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*

TO:
Committee on Pandemic and Disaster Preparedness
Rep. Linda Ichiyama, Chair
Rep. Stacelynn K.M. Eli, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 2, 2021
TIME: 9:45am
PLACE: Via Videoconference

RE: HB726 Relating to Face Coverings

Position: Comments with Requested Amendment

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in support of creating a clear consistent statewide mandate for face coverings to help slow the spread of COVID-19. Our local business owners and operators, especially our essential frontline employees, have done exceptional work, and taken personal risks, to keep our state's economy running and the people of Hawaii fed. These businesses and employees need and deserve support from the legislature in their efforts to implement safety protocols.

We ask that section (c) on page 2 be amended to read as follows:

c) Any owner or operator of any business or operation shall inform any individual who enters their business that they are legally required to wear a face covering unless an exemption under subsection (b) applies. Businesses are not liable for individuals who refuse to

wear a face mask after being informed they should wear a face mask. Businesses may inform an individual of the requirement to wear a face mask via signage.

Individuals in violation of face covering mandates are subject to enforcement and penalties by police, not retail stores' employees. Business and operations may adopt stricter protocols or requirements related to face coverings and face shields.

It would be imprudent and unfair to make business owners and operators liable for the actions of individual customers which are beyond their control. The above amendments will empower businesses to implement the necessary safety protocols, without making the mistake of forcing employees to take on the role of law enforcement for this mandate.

HFIA would be happy to support this measure with these amendments, and we thank you for the opportunity to testify.

HB-726

Submitted on: 1/31/2021 9:22:21 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Feena Bonoan	Individual	Oppose	No

Comments:

This bill has no end date and no plan for repeal. When enough people have been vaccinated I would like to see smiling faces again. The use of facemasks in public settings is already happening no further intervention is required.

HB-726

Submitted on: 1/31/2021 9:36:29 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob Holcomb	Individual	Oppose	No

Comments:

Face coverings only work in certain environments and using specific protocols. They serve no purpose in outdoor settings with lots of fresh air and sunlight. Going overboard on safety has the opposite effect, which is that people stop paying attention and taking responsibility for themselves.

HB-726

Submitted on: 1/31/2021 9:39:59 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Berg	Individual	Oppose	No

Comments:

Oppose HB726

Haven't you guys ruined enough peoples lives? This is the cherry on top. Why did I even bother getting the vaccine? You know what, I've changed my mind. Go for it. I'm sure it'll be great for tourist industry. Have fun.

HB-726

Submitted on: 1/31/2021 9:56:40 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Camas Cook	Individual	Oppose	No

Comments:

The current "pandemic" is not an alibi to erase our Hawaii constitutional and civil rights! We have the right to privacy and dignity. In the past 9 months, face masks have not solved the Covid problem. We must be allowed to see eachother's faces and communicate freely. This "mandate" is inhumane and unscientific. I strongly oppose!!

HB-726

Submitted on: 1/31/2021 10:15:50 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Ball	Individual	Oppose	No

Comments:

This should not be written into law. This law is over reaching and it does not appear that this law will meaningfully have an impact on public safety.

Hospitals are not, nor have they approached, being overwhelmed by patients. Persons can voluntarily elect to wear masks for their own protection.

Businesses can deny patrons entrance without a mask.

All without the enactment of another law.

Vote NO.

Please, follow the science and kill this bill. There are no peer-reviewed randomized controlled trials (Dr. Fauci's "gold standard") demonstrating that cloth faces masks prevent the transmission of any virus, including SARS-CoV-2. The CDC's own journal "Emerging Infectious Diseases" comes to that very conclusion. The recent Dutch study, another peer-reviewed randomized controlled trial came to the same conclusion.

Passing such a bill is an exercise in totalitarian authoritarianism, especially since there is no scientific basis at all for such a mandate.

Vote NO.



EMERGING INFECTIOUS DISEASES®

[EID Journal](#) > [Volume 26](#) > [Number 5—May 2020](#) > [Main Article](#)

Face Masks

In our systematic review, we identified **10 RCTs** that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, **we found no significant reduction in influenza transmission with the use of face masks** (RR 0.78, 95% CI 0.51–1.20; I² = 30%, p = 0.25) ([Figure 2](#)). One study evaluated the use of masks among pilgrims from Australia during the Hajj pilgrimage and reported no major difference in the risk for laboratory-confirmed influenza virus infection in the control or mask group ([33](#)). Two studies in university settings assessed the effectiveness of face masks for primary protection by monitoring the incidence of laboratory-confirmed influenza among student hall residents for 5 months ([9,10](#)). The overall reduction in ILI or laboratory-confirmed influenza cases in the face mask group was not significant in either studies ([9,10](#)). Study designs in the 7 household studies were slightly different: 1 study provided face masks and P2 respirators for household contacts only ([34](#)), another study evaluated face mask use as a source control for infected persons only ([35](#)), and the remaining studies provided masks for the infected persons as well as their close contacts ([11–13,15,17](#)). None of the household studies reported a

significant reduction in secondary laboratory-confirmed influenza virus infections in the face mask group ([11–13,15,17,34,35](#)). Most studies were underpowered because of limited sample size, and some studies also reported suboptimal adherence in the face mask group.

Disposable medical masks (also known as surgical masks) are loose-fitting devices that were designed to be worn by medical personnel to protect accidental contamination of patient wounds, and to protect the wearer against splashes or sprays of bodily fluids ([36](#)). There is limited evidence for their effectiveness in preventing influenza virus transmission either when worn by the infected person for source control or when worn by uninfected persons to reduce exposure. **Our systematic review found no significant effect of face masks on transmission of laboratory-confirmed influenza.**

We did not consider the use of respirators in the community. Respirators are tight-fitting masks that can protect the wearer from fine particles ([37](#)) and should provide better protection against influenza virus exposures when properly worn because of higher filtration efficiency. However, respirators, such as N95 and P2 masks, work best when they are fit-tested, and these masks will be in limited supply during the next pandemic. These specialist devices should be reserved for use in healthcare settings or in special subpopulations such as immunocompromised persons in the community, first responders, and those performing other critical community functions, as supplies permit.

In lower-income settings, it is more likely that reusable cloth masks will be used rather than disposable medical masks because of cost and availability ([38](#)). There are still few uncertainties in the practice of face mask use, such as who should wear the mask and how long it should be used for. In theory, transmission should be reduced the most if both infected members and other contacts wear masks, but compliance in uninfected close contacts could be a problem ([12,34](#)). Proper use of face masks is essential because improper use might increase the risk for transmission ([39](#)). Thus, education on the proper use and disposal of used face masks, including hand hygiene, is also needed.

* * * * *

All of The Best Studies Show Masks are Useless at Preventing the Spread of COVID

December 18, 2020

The Actual Science Behind the Masks

As we know, most Americans are reusing their masks repeatedly. Many Americans store them on their rear-view mirrors, in their pockets, and even on the table that they're eating on at restaurants.

According to studies wearing a used mask is statistically far worse than not wearing one at all.

Researchers looked at three-layer surgical masks, which are very common among healthcare professionals. They found that, when the masks are used, there is a 50% reduction in the tiny particles that linger in the air.

Outside of just using a masks that you have used before, it's probably never a good idea to use your mask to pick up dog poop, and then put your mask on again.

Covid-19 infections commonly occur via aerosolized particles not just droplets. Masks and air filters can remove very small particles, such as bacteria and viruses but a single coronavirus particle size ranges from 70–90 nm. This is one hundred times smaller than a tenth of a micron.

The renowned UK science journal, The Lancet published paper concluding that “Small aerosol particles smaller than 5 µm in aerodynamic size are most likely to remain” following filtering of the air.

In a recent video, Dr. Scott Jenson concluded that “An N-95 mask filters out particulate matter larger than .3 microns... this idea of people doing anything particularly useful w...a mask is just looney tunes.”

This especially makes sense when you consider the fact that **all the best scientific analyses show that masks are ineffective at preventing the spread of influenza, or any other respiratory illness.**

The randomized clinical trial (RCT) is recognized as the most credible research design for clinical investigation. The goal of the RCT is to achieve valid comparison of the effects of an investigational treatment or treatments with the control treatment (standard of care) in the target patient population. Bias can be reduced by concealing the randomization sequence from the investigators at the time of obtaining consent from potential trial participants. Allocation concealment is a very simple maneuver that can be incorporated in the design of any trial and that can always be implemented.

This means that the only way to remove bias from scientific research in the medical field is with randomized clinical trials. Contrary to popular belief, every single RCT ever performed on mask usage and prevention of infection for laboratory-confirmed influenza, the common cold, or other respiratory viruses shows that masks are ineffective.

There is a sum total of zero randomized clinical trials showing that masks prevent any of the aforementioned illnesses. As you read through the following trial summaries and their conclusions, recall the damage we have already knowingly inflicted upon the population, and the health risks of the shutdowns that we have already consciously accepted in our quest to “trust the science.”

Jacobs, J. L. et al. (2009) “Use of surgical face masks to reduce the incidence of the common cold among health care workers in Japan: A randomized controlled trial,” American Journal of Infection Control, Volume 37, Issue 5, 417–419.

N95-masked health-care workers (HCW) were significantly more likely to experience headaches. Face mask use in HCW was not demonstrated to provide benefit in terms of cold symptoms or getting colds.

Radonovich, L.J. et al. (2019) “N95 Respirators vs Medical Masks for Preventing Influenza Among Health Care Personnel: A Randomized Clinical Trial,” JAMA. 2019; 322(9): 824–833.

“Among 2862 randomized participants, 2371 completed the study and accounted for 5180 HCW-seasons. ... Among outpatient health care personnel, N95 respirators vs medical masks as worn by participants in this trial resulted in no significant difference in the incidence of laboratory-confirmed influenza.”

Long, Y. et al. (2020) “Effectiveness of N95 respirators versus surgical masks against influenza: A systematic review and meta-analysis,” J Evid Based Med. 2020; 1–9.

“A total of six RCTs involving 9,171 participants were included. There were no statistically significant differences in preventing laboratory-confirmed influenza, laboratory-confirmed respiratory viral infections, laboratory-confirmed respiratory infection, and influenza-like illness using N95 respirators and surgical masks. Meta-analysis indicated a protective effect of N95 respirators against laboratory-confirmed bacterial colonization (RR = 0.58, 95% CI 0.43-0.78). The use of N95 respirators compared with surgical masks is not associated with a lower risk of laboratory-confirmed influenza.”

Cowling, B. et al. (2010) “Face masks to prevent transmission of influenza virus: A systematic review,” *Epidemiology and Infection*, 138(4), 449-456.

None of the studies reviewed showed a benefit from wearing a mask, in either HCW or community members in households (H). See summary Tables 1 and 2 therein.

Bin-Reza et al. (2012) “The use of masks and respirators to prevent transmission of influenza: a systematic review of the scientific evidence,” *Influenza and Other Respiratory Viruses* 6(4), 257–267.

“There were 17 eligible studies. ... None of the studies established a conclusive relationship between mask/respirator use and protection against influenza infection.”

Smith, J.D. et al. (2016) “Effectiveness of N95 respirators versus surgical masks in protecting health care workers from acute respiratory infection: a systematic review and meta-analysis,” *CMAJ* Mar 2016

“We identified six clinical studies In the meta-analysis of the clinical studies, we found no significant difference between N95 respirators and surgical masks in associated risk of (a) laboratory-confirmed respiratory infection, (b) influenza-like illness, or (c) reported work-place absenteeism.”

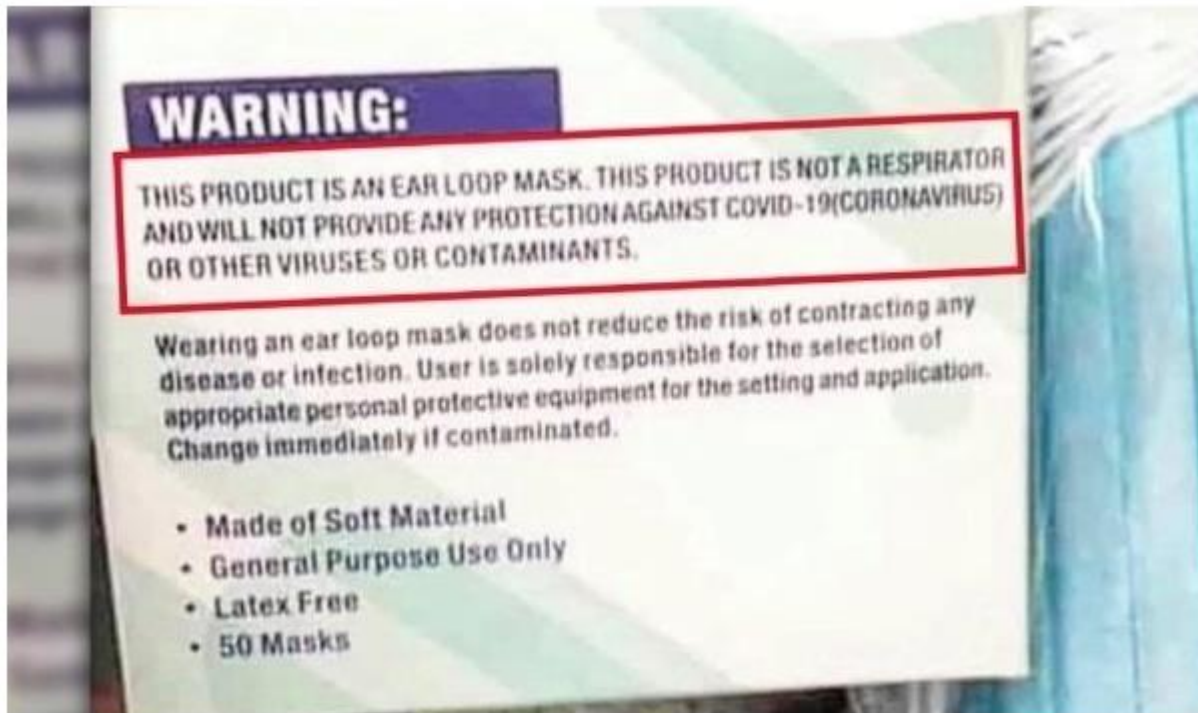
Offeddu, V. et al. (2017) “Effectiveness of Masks and Respirators Against Respiratory Infections in Healthcare Workers: A Systematic Review and Meta-Analysis,” *Clinical Infectious Diseases*, Volume 65, Issue 11, 1 December 2017, pages 1934–1942,

“Self-reported assessment of clinical outcomes was prone to bias. Evidence of a protective effect of masks or respirators against verified respiratory infection (VRI) was not statistically significant.”

* * * * *

No studies have been done to demonstrate that either a cloth mask or the N95 mask has any effect on transmission of COVID-19. As a matter of fact, research published in the *Annals of Internal Medicine* at the first of April indicated that “*both surgical and cotton masks seem to be ineffective in preventing the dissemination of SARS-CoV-2 from the coughs of patients with COVID-19.*” (*Annals of Internal Medicine, Effectiveness of Surgical and Cotton Masks in Blocking SARS-CoV-2: A Controlled Comparison in 4 Patients, Seongman Bae, MD, Min-Chul Kim, MD, Ji Yeun Kim, PhD, Hye-Hee Cha, BS, Joon Seo Lim, PhD, <https://doi.org/10.7326/M20-1342>*

2. In a February 2020 meta-analysis of six randomized controlled trials involving **9,171** patients, there were **no statistically significant differences** in preventing influenza or viral infections using N95 respirators and surgical masks. ([Reference](#))
3. A May 2020 study involving 159 healthcare workers aged 21 to 35 years of age found that **81% developed headaches** from wearing a face mask. (Headache. 2020 May;60(5):864-877. doi: 10.1111/head.13811. Epub 2020 Apr 12. *Headaches Associated With Personal Protective Equipment - A Cross-Sectional Study Among Frontline Healthcare Workers During COVID-19*)
4. . 2020 May;60(5):864-877. doi: 10.1111/head.13811. Epub 2020 Apr 12.
5. Headaches Associated With Personal Protective Equipment - A Cross-Sectional Study Among Frontline Healthcare Workers During COVID-19
4. In a 2008 study of surgical masks worn by 53 surgeons, researchers found that the mask **reduced the blood oxygen levels significantly**, creating a condition known as “**hypoxia.**” ([Reference](#))
5. A 2015 study indicated that **hypoxia inhibits T-lymphocytes** (the main immune cells used to fight viral infections) by increasing the level of a compound called hypoxia inducible factor-1 (HIF-1). ([Reference](#)) In other words, wearing a mask, which has been shown to cause hypoxia, may actually set the stage for contracting COVID-19 and make the consequences much worse.
6. Hypoxia promotes **inflammation** which can promote the growth, invasion and spread of **cancers**. ([Reference](#)) Hypoxia is also a significant factor in **atherosclerosis**, thus it increases the risk of **stroke** and **heart attack**. ([Reference](#))
7. The **WARNING** on the box of surgical masks states clearly “**THIS PRODUCT WILL NOT PROVIDE ANY PROTECTION AGAINST COVID-19 (CORONAVIRUS) OR OTHER VIRUSES OR CONTAMINANTS.**”



8. Those who wear masks are constantly rebreathing the viruses, raising the concentration of the virus in the lungs and the nasal passages. By wearing a mask, the exhaled viruses will not be able to escape and will **concentrate in the nasal passages, enter the olfactory nerves and can travel into the brain.** ([Reference](#), [Reference](#), [Reference](#))

9. Anthony Fauci, head of the director of the National Institute of Allergy and Infectious Diseases (NIAID), did an interview on 60 Minutes where he said, "*People shouldn't be walking around wearing masks.*"

10. The World Health Organization says that there is **no need for healthy people to wear face masks.** ([Reference](#)) They recommend that healthy people **only wear masks** when taking care of someone infected with COVID-19. ([Reference](#))

11. Surgeon General Jerome Adams advised against the general public wearing face masks, saying they were "*not proven to be effective*" in preventing people from contracting COVID-19. ([Reference](#))

12. Although the CDC recommends wearing masks, they admitted that **they do not have data** to confirm that wearing a mask reduces the risk of contracting or spreading COVID-19. ([Reference](#))

February 1, 2021

Testimony in support of HB 726, Relating to Face Coverings

Honorable Chair Ichiyama and members of the Committee:

I am writing in support of HB 726, Relating to Face Coverings, with a request for amendments noted below.

We have learned the importance of using face masks in preventing the spread of COVID-19. Still, there are reports of people who refuse to wear masks, and enforcement therefore is essential to keep the community safe. For these reasons, I support this bill and the issuance of a fine to those who refuse to wear a mask in public.

However, I suggest eliminating the exception found in subsection (b)(3) for “individuals who are working at a desk or work station and are not actively engaged with other employees, customers, or visitors; provided that the individual’s desk or workstation is not located in a common or shared area and physical distancing of at least (least) six feet is maintained.” Under this exception, employees could be unmasked if in the same room, six feet apart. Research has shown that COVID-19 can be spread through the air and can infect people indoors who are distanced greater than six feet apart. <https://elemental.medium.com/amp/p/69071e5750d2> , <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>. Masks will mitigate the risk under the circumstances in (b)(3) and should be worn. In addition, masks will help as we face the greater infectiousness of new strains of COVID-19.

In addition, I ask that the exception in subsection (b)(11) also be eliminated for “individuals who are outdoors and can maintain a physical distance of six feet from other individuals not of the same household, living unit, or residence at all times” as I understand that this exception makes enforcement of mask wearing outdoors difficult.

Thank you for your consideration.

Sincerely,
Lynn Otaguro
Oahu, Hawaii



**Testimony to the House Committee on Pandemic & Disaster Preparedness
Tuesday, February 2, 2021 at 9:45 A.M.
Via Video Conference**

RE: HB 726, RELATING TO FACE COVERING

Chair Ichiyama, Vice Chair Eli, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **offers comments with amendments** on HB 726 which requires every person to wear a face covering when in a public setting, subject to certain exceptions and establishes a fine for failure to wear a face covering with a sunset date of December 31, 2021.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

As businesses in Hawaii adjust alongside government proclamations and orders to stem the tide against the spread of COVID-19, the Chamber believes a consistent, statewide face covering mandate will help in bringing clarity in an ever-changing COVID-19 environment.

The Chamber respectfully requests an amendment on Page 3, subsection (c) so that businesses are not penalized to strictly enforce actions of customers that may be out of their control. While businesses have already adjusted to the new normal for the safety and welfare of customers and employees, and we believe a violation mechanism is not necessary.

Page 3, subsection (c)

(c) Any owner or operator of any business or operation ~~shall~~may refuse admission or service to any individual who fails to wear a face covering unless an exemption under subsection (b) applies. Business and operations may adopt stricter protocols or requirements related to face coverings and face shields. Business and operations not enforcing the wearing of face coverings as required by this Act may be subject to penalties under this Act, including fines and mandatory closure.

Thank you for this opportunity to provide testimony.

HB-726

Submitted on: 2/1/2021 8:31:10 AM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments:

NO



LATE

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Presentation to The
Committee on Judiciary & Hawaiian Affairs
February 2, 2021 at 9:45 am
State Capitol Conference Room 309

Testimony on HB 726 With An Amendment

TO: The Honorable Linda Ichiyama, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair
Members of the Committee

My name is Neal K. Okabayashi, the Executive Director of the Hawaii Bankers Association (HBA). HBA is the trade association representing eight Hawaii banks and two banks from the continent with branches in Hawaii.

My apologies for our late testimony. We do support the intent of HB 726 and we do appreciate the exemption for financial institutions in Section 1(b)(8), but we wish to propose an amendment to subsection (8).

Other proclamations on face covering which provided a financial institution exemption on face coverings created a problem for financial institutions because some customers claimed they did not have to wear a mask within bank premises, such as a branch, because of the exemption. We thus propose the following testimony for subsection (b)(8) to read as follows:

“(8) Instances where a financial institution’s policy on facial identification requires a temporary lowering or removal of the face covering to provide identification of the individual, and immediately after the identification process is completed, the individual shall immediately resume wearing the face covering which covers the individual’s nose and mouth.”

Thank you for the opportunity to submit this testimony to provide an amendment to HB 726. Please let us know if we can provide further information.

Neal K. Okabayashi
(808) 524-5161

LATE

HB-726

Submitted on: 2/1/2021 11:09:05 AM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Blair	Individual	Oppose	No

Comments:

The legislature has no authority to require face coverings or any type of clothing, whatsoever. The US Supreme Court has ruled on the unconstitutionality of attempts to force US citizens to wear certain clothing, and several State Supreme Courts have ruled that mask mandates are unconstitutional.

To date, in Hawaii, there are 410 deaths of people with covid. That is NOT a pandemic. Its not even close to a pandemic. The majority of the people that died were elderly and had comorbidities. And their age is the same as the national mortality age. This entire situation is an absurd overreaction to a virus that has the same survivability statistics as the flu.

I oppose this unconstitutional bill.

LATE

HB-726

Submitted on: 2/1/2021 1:32:26 PM

Testimony for PDP on 2/2/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Ajolo	Individual	Oppose	No

Comments:

Stop with these bills, face mask don't work, I keep touching my mask because they don't fit correctly. There is no fit test requirement. Face mask should only be worn by sick people.