

MAR 10 2023

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## SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE  
TO DEVELOP A PLAN TO PROTECT STUDENTS FROM THE VAPING  
EPIDEMIC AND THE HARMS OF SMOKING.

1           WHEREAS, pursuant to section 8-31-1, Hawaii Administrative  
2 Rules:

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4           The public school system strives to provide its  
5 students with a safe and secure learning environment,  
6 as well as appropriate instruction and school  
7 experiences that mutually reinforce good personal  
8 health and safety practices. The present practice of  
9 condoning tobacco use by employees and other adults on  
10 public school campuses, at off-campus events, and at  
11 district and state offices seriously undermines and  
12 contradicts instruction to students regarding the  
13 health hazards of tobacco use[;]

14  
15 and

16  
17           WHEREAS, the Board of Education implemented a "Tobacco Free  
18 School System Policy" in 1993 and the Board provides counseling  
19 and rehabilitation assistance to employees who wish to stop  
20 smoking; and

21  
22           WHEREAS, section 302A-102, Hawaii Revised Statutes,  
23 requires that "[a]ll public schools within the State, from  
24 kindergarten through grade twelve, shall prohibit the use of  
25 tobacco at public schools or at public school functions", but  
26 does not prohibit students from possessing tobacco at school or  
27 at school functions; and

28  
29           WHEREAS, section 302A-102, Hawaii Revised Statutes, is only  
30 enforceable during consumption or when a student is caught in  
31 the act of "smoking" or "using" tobacco; and

32  
33           WHEREAS, "vaping" encompasses the use of "electronic  
34 nicotine delivery systems", and vaping devices are also  
35 described as devices that are designed for the use of tobacco



1 products, and include vaporizers, vape pens, hookah pens,  
2 electronic cigarettes (e-cigarettes or e-cigs), e-cigars, and e-  
3 pipes; and

4  
5 WHEREAS, the Hawaii Department of Health reports that  
6 Hawaii's public schools consider vaping devices contraband, and  
7 the Department of Health reports that students may be suspended  
8 or expelled for having them at school; and

9  
10 WHEREAS, vaping devices may be manufactured to look like  
11 conventional combusted cigarettes, cigars, or pipes, and some  
12 resemble pens or universal serial bus flash drives; and

13  
14 WHEREAS, the United States Surgeon General has declared:

15  
16 [T]he importance of protecting our children from a  
17 lifetime of nicotine addiction and associated health  
18 risks by immediately addressing the epidemic of youth  
19 e-cigarette use. The recent surge in e-cigarette use  
20 among youth, which has been fueled by new types of  
21 e-cigarettes that have recently entered the market, is  
22 a cause for great concern[;]

23  
24 and

25  
26 WHEREAS, the Centers for Disease Control and Prevention  
27 reports that:

28  
29 [E]-cigarettes were the most common 'tobacco product'  
30 currently used among middle and high school students  
31 (2.06 million) in 2021. Youth use of tobacco products  
32 is unsafe in any form--combustible, smokeless, or  
33 electronic. It is critically important to combat this  
34 serious public health concern and help protect youths  
35 from the harmful effects of tobacco. In 2021, an  
36 estimated 34.0% of high school students (5.22 million)  
37 and 11.3% of middle school students (1.34 million)  
38 reported ever using a tobacco product[;]

39  
40 and



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1           WHEREAS, Hawaii Department of Health data show that  
 2 forty-eight percent of high school students and thirty-one  
 3 percent of middle school students have used e-cigarettes; and  
 4

5           WHEREAS, one study explored emerging drug use in the form  
 6 of youth vaping and its association with delinquency among  
 7 middle and high school students "[u]sing a nationally  
 8 representative sample of eighth and tenth graders in 2017, and  
 9 the study found that youths who vape are at an elevated risk of  
 10 engaging in criminal activities such as violence and property  
 11 theft than youth who ingest marijuana through traditional  
 12 means"; now, therefore,  
 13

14           BE IT RESOLVED by the Senate of the Thirty-second  
 15 Legislature of the State of Hawaii, Regular Session of 2023,  
 16 that the Department of Education is requested to establish a  
 17 task force to develop a plan to protect students from the vaping  
 18 epidemic and the harms of smoking; and  
 19

20           BE IT FURTHER RESOLVED that the Department of Education is  
 21 requested to convene a task force of the following members or  
 22 their designees:  
 23

- 24           (1) The Superintendent of Education, who shall serve as  
 25           the chairperson of the task force;
- 26           (2) The Director of Health;
- 27           (3) The Director of Public Safety, who shall be succeeded  
 28           by the Director of Law Enforcement on January 1, 2024;
- 29           (4) The Attorney General;
- 30           (5) The Prosecuting Attorney for the City and County of  
 31           Honolulu;
- 32           (6) The Chief of Police of the Honolulu Police Department;
- 33           (7) The Executive Director of the Hawaii Public Health  
 34           Institute, who is invited to participate; and  
 35  
 36  
 37  
 38  
 39  
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1 (8) Any other individuals from a federal, state, or county  
2 entity or who have expertise in health, education,  
3 safety, law, or other relevant fields of study  
4 beneficial to the task force, who are invited to  
5 participate; and  
6

7 BE IT FURTHER RESOLVED that the plan is requested to  
8 include:  
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- 10 (1) Methods to address, reduce, and eventually eliminate  
11 vaping and smoking at public schools;  
12  
13 (2) Methods to protect students, teachers, and staff from  
14 public safety concerns relating to vaping and smoking,  
15 including protection against retaliation, student  
16 delinquency, and gang activity;  
17  
18 (3) Methods to provide resources and counseling to  
19 students, teachers, and school staff to assist them in  
20 permanently terminating their use of vaping devices  
21 and cigarettes;  
22  
23 (4) Methods to provide health education for students,  
24 teachers, and staff to discourage potential future  
25 vaping and smoking;  
26  
27 (5) Guidance on the implementation of policies to prohibit  
28 vaping and smoking at public schools;  
29  
30 (6) Proposed initiatives to help protect students from the  
31 influences of vaping and smoking advertisements,  
32 including student projects and school initiatives to  
33 protect the health of children and adults at public  
34 schools; and  
35  
36 (7) Proposed legislation and proposed administrative rules  
37 that prohibit smoking and vaping and the possession of  
38 cigarettes and vaping devices at public schools and  
39 public school functions; and  
40

41 BE IT FURTHER RESOLVED that the Department of Education is  
42 requested to submit to the Legislature a report of its findings



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1 and recommendations and a copy of the plan no later than twenty  
2 days prior to the convening of the Regular Session of 2024; and

3

4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution will be transmitted to the Superintendent of  
6 Education, Chairperson of the Board of Education, Director of  
7 Health, Director of Public Safety, Director of Law Enforcement,  
8 Attorney General, Prosecuting Attorney for the City and County  
9 of Honolulu, Chief of Police of the Honolulu Police Department,  
10 and Executive Director of the Hawaii Public Health Institute.

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OFFERED BY:

*Kurt Fovell*

