



HAWAII FOOD INDUSTRY ASSOCIATION

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February 13, 2009

To: House Committee on Health
Ryan I. Yamane, Chair
Rep. Scott Y. Nishimoto, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations

Re: HB 608 RELATING TO CIGARETTES

In Support

Chairs & Committee Members:

For the past 15 years, we have been singing the same tune, and for some reason, legislators want to protect the minor instigating the offense of trying to purchase cigarettes, by placing full responsibility and enforcement against the retailer for not parenting someone else's child.

While we were instrumental in getting the legislature to agree to a \$10 fine for the first offense of purchasing cigarettes, that was a long time ago, and with the cost of a pack of cigarettes today, \$10 is incidental. The penalty should be increased, with the parents being responsible for the penalty. Possibly that would create better parenting.

What happens now is that the sales clerk caught selling to a minor gets a \$500 fine, and may be terminated from employment. On the other hand, the minor instigating the violation may get a \$10 fine, and will continue to make attempts, since they have little to lose. Actually we don't know if they do pay the \$10, since all of this comes under the Juvenile Court System. This type of penalty should not be covered up, but simply become a citable violation with the fine being collected and reported.

Adding possession as a violation will help enforcement.

Most retailers realize they have an important responsibility in the sale of tobacco products. We supported the Tax Stamp law, and we supported the Retail Permit law, because it was the right thing to do. We do realize that some retailers don't care, and are only interested in the money part of it. Those firms generally do not join a trade association, as their interests are for themselves.

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Improving Life**One Breath at a Time**

Founded in 1904, the
American Lung Association
includes affiliated associations
throughout the U.S.



TO: Health Committee on Health

**FOR: Hearing Scheduled for 8:30 am
Friday February 13, 2009**

**RE: TESTIMONY IN OPPOSITION TO HB 608, REALTING TO
TOBACCO**

Chair Yamane, Vice Chair Nishimoto and Committee Members

The American Lung Association in Hawaii (ALA in Hawaii) has long been a strong advocate of measures to curtail underage tobacco use. It is well documented that early onset of smoking can lead to a lifetime of addiction and damaged health.

We believe education and cessation programs are more effective than punitive sanctions that "blame the victim" in reducing the incidence of teenage smoking. The steady decline in tobacco use by minors in Hawaii suggests that education programs, including positive peer pressure, are working.

While we support the intent of this measure, we do not believe that criminalizing our youth for possession of tobacco products is productive. A review of such prohibition laws published in the 2006 American Journal of Preventive Medicine (Vol.31, N.1) shows that they have not proven to be effective and actually work to clear the tobacco industry of its responsibility for marketing to youth.

ALA in Hawaii believes increasing the scope of youth tobacco education and cessation programs will have more lasting positive effects than HB 608 would be able to achieve.

Respectively submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii