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LATE

Testimony Opposing HB 608; "Relating To Tobacco"

The American Heart Association opposes HB 608, "Relating To Tobacco."

Until comprehensive efforts to address the marketing of tobacco products to minors are exhausted, the AHA feels it would be inappropriate to hold youth responsible for behavior encouraged by tobacco marketers' advertising. The industry spends upward of \$12 billion nationally each year and over to \$40 million in Hawaii to recruit new tobacco users, most of them less than 18 years of age.

Evidence indicates that the industry pays retailers exorbitant product placement fees to insure that their products are located where they will become easily recognizable by youths, often next to candy or other sweet items that attract children's attention. The industry knows that it needs to imprint its brand on minors today to insure that they will eventually become addicted adult tobacco users. The industry's most recent ploy targeted at enticing young people involves the inclusion of candy and fruit flavors in tobacco products and marketing those products in a way that makes them most attractive to the young.

Rather than focus efforts on punishing the victims of tobacco, we need to focus on the victimizers.

By shifting the focus to youth possession of tobacco products, you would be diverting the focus from the root cause of the problem—tobacco industry marketing tactics—and onto children who succumb to the industry's subliminal advertising messages. You would also be feeding the industry's advertising and marketing strategy to make tobacco appear to be an adult "privilege" and portray smoking as "cool" to those youths reaching for a "forbidden fruit." The end effect would help the tobacco industry to lure those children most vulnerable to their marketing messages and those most likely to rebel.

Other states' that have attempted to address youth tobacco addiction by using laws similar to that proposed by HB 608 have shown no positive effect, and may have actually hurt proven, effective methods outlined under the CDC's "Best Practices." The tobacco industry's own documents show that the strategy outlined in HB 608 was developed by the manufacturers. Hawaii's youth smoking rates are now below 10 percent and the trend continues to be downward.

Now is not the time to divert from the strategies that have been proven effective at encouraging children to avoid the trappings of tobacco addiction. Those strategies include:

- adequately funding of community tobacco prevention, education and cessation programs in the range of \$15-\$20 per capita,
- Increasing the unit price of tobacco products
- Conducting mass media education campaigns when combined with other community interventions

Please remember the American Heart Association in your will or estate plan.

Serving Hawaii since 1948

For information on the AHA's educational or research programs, contact your nearest AHA office, or visit our web site at www.americanheart.org or e-mail us at hawaii@heart.org

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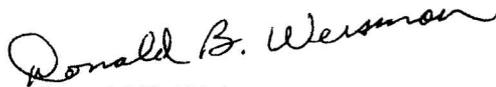
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*"Building healthier lives,
free of cardiovascular
diseases and stroke."*

- Mobilizing the community to restrict minors' access to tobacco products when combined with additional interventions (stronger local laws directed at retailers, active enforcement of retailer sales laws, retailer education with reinforcement)
- Implementing school-based interventions in combination with mass media campaigns and additional community efforts.

Please vote no on HB 608.

Respectfully submitted by,



Donald B. Weisman
Hawaii Communications and Marketing/Government Affairs Director



February 11, 2009

LATE

Committee on Health
Representative Ryan I. Yamane, Chair
Representative Scott Y. Nishimoto, Vice Chair

Hearing:

8:30 A.M., Friday, February 13, 2009
Hawaii State Capitol, Room 329

RE: HB608, Relating to Tobacco

Testimony in Support of Intent

Chair Yamane, Vice Chair Nishimoto, and members of the Committee on Health. My name is George Massengale and I am the Director of Government Relations with the American Cancer Society Hawaii Pacific Inc. Thank you for the opportunity to testify on HB608, which clarifies that it is unlawful for minors to possess or use tobacco products.

The American Cancer Society Hawaii Pacific Inc., was founded in 1948, and is a community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service. This mission includes advocating for effective tobacco control measures to reduce and prevent smoking by children and young adults.

We have studied the provisions of HB608 and we support its intent. I have in the past testified on similar measures before legislative committees. As you know when the American Cancer Society offers testimony before any legislative body we review the science associated with the testimony being offered.

With respect to youth possession laws or PUP Laws (possession, use, and purchase), there is little empirical data on the effectiveness of these laws. Even arguments in favor of PUP laws and against have been controversial. **Those in favor argue that;**

- They add a cost to youth for tobacco use.
- They promote youth accountability and;
- They de-normalize tobacco use among youth.

Those against PUP laws contend that;

- They divert attention from other tobacco control efforts, including merchant responsibility and;
- Enforcement cost and difficulty can be high.

In the end, all analyses have not suggested a relationship between the presence of state PUP laws and adolescent smoking behavior. We would note that PUP laws were only somewhat associated with lower smoking rates among the youngest adolescents at low or medium risk.

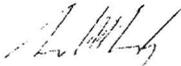
Tobacco use among Hawaii's youth continues to be problematic. The Society has concerns that youth are beginning to smoke at a younger age. In the year 2000, Hawaii's youth smoking rate was 24.5% for public high school students and in 2006 the rate was 12.6% for public high school students. Today the smoking rate is 9.7%. Clearly prevention efforts are working. We strongly believe that criminalizing youth possession of tobacco products is not the best solution, nor the most effective way to reduce youth access to tobacco products.

Tobacco sales to minors, is declining because of public education, counter marketing, and prevention efforts. **Clearly these efforts are working** and criminalizing youth possession of tobacco products is **not the right solution**, nor the most effective way to reduce youth access to tobacco. **What does work is compliance with tobacco retail permits and enforcement of tobacco sales to youth.**

Because there is a lack of solid empirical data on the effectiveness of youth possession laws we would ask that the committee defer this measure.

Mahalo for giving me the opportunity to provide testimony and comments on this measure.

Sincerely,



George Massengale, JD
Director of Government Relations



To: Representative Ryan I. Yamane, Chair, Committee on Health
Representative Scott Y. Nishimoto, Vice Chair, Committee on Health
Members, House Committee on Health
From: Trisha Y. Nakamura, Policy and Advocacy Director
Date: February 12, 2009
Hrg: House Committee on Health; February 13, 2009 at 8:30 a.m.
Re: **Opposition to HB 608, Relating to Tobacco**

Thank you for the opportunity to testify in opposition to HB 608, which would make it unlawful for any minor to possess or use tobacco.

We appreciate the intent of this measure: to reduce youth smoking rates. However, this measure inappropriately shifts responsibility away from businesses and adults who are marketing and selling tobacco products to minors. While youth should accept responsibility for their tobacco use, little progress will be made if we do not enact laws based on research; research shows that this measure is counterproductive. There are far more effective (and less problematic) ways to reduce youth smoking rates, such as tobacco tax increases and enforcement of laws prohibiting sales to minors. Youth possession laws, in contrast, turn teenagers into criminals and do not reduce youth smoking rates. Consequently, the Coalition asks that the measure be held in committee.

Lawmakers can continue to support the declines in smoking by:

- Addressing the increase in use of smokeless tobacco products by increasing the tax on tobacco products other than cigarettes;
- Dedicating funds to smoking cessation services for youth and adults to help those who are seeking help to quit;
- Enforcing the existing Smoke-Free Workplace law; and
- Passing laws regarding the marketing of tobacco products to you by regulating product placement and addressing the flavored tobacco products.

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. The Coalition provides leadership for the tobacco control community, develops networks, helps coordinate tobacco control programs, and builds community awareness.

Thank you for the opportunity to testify on this matter. Please hold it in Committee.