

**HB2133**

Submitted on: 2/5/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

## Comments:

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STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

HOUSE COMMITTEE ON HEALTH

HB2133, RELATING TO HEALTH

Testimony of Gary L. Gill  
Acting Director of Health

February 7, 2014  
8:45 AM, Room 329

**LATE**

**Department's Position:** The Hawaii State Department of Health (DOH) supports with suggestions the passage of HB2133 as a measure to reduce youth tobacco use and help users quit.

**Fiscal Implications:** None.

**Purpose and Justification:** HB2133 amends Chapter 709-908, Hawaii Revised Statutes (HRS) to make it unlawful to sell or furnish tobacco product to any person under twenty-one years of age, and for persons under 21 years of age to purchase any tobacco product.

The DOH respectfully notes that HB2133 omits references to electronic smoking devices. Act 227, Session Laws 2013, amended Chapter 709-908(3), HRS, to include electronic smoking devices but this has been omitted in the proposed measure, (subsection (3), page 2, paragraph 2, lines 5 to 8).

Therefore, the DOH requests that the language be updated, to read:

(3) It shall be unlawful for a [~~minor~~] person under [~~eighteen~~] twenty-one years of age to purchase any tobacco product, as described in subsection (1), or an electronic smoking device as described in subsection (5).

Therefore, we respectfully request that any new required signage at the point of sale include language regarding the sale of electronic smoking devices and suggest the following change (Section

*Promoting Lifelong Health & Wellness*

1 1,(2)(a), page 1, lines 14 to 15), “The sale of tobacco products including electronic smoking devices to  
2 persons born after June 30, 1997, is prohibited.”

3 The DOH respectfully recommends this bill be amended to include electronic smoking devices  
4 consistent with the definition proposed in HB2321. Previously this Committee heard HB2321, Relating  
5 to the Regulation of Electronic Smoking Devices, that proposed to revise the definition of electronic  
6 smoking devices in Chapter 709-908(5), HRS. The new proposed definition is as follows:

7 "Electronic smoking device" means any electronic product that can be used to vaporize and  
8 deliver nicotine or other substances to the person inhaling from the device, including, but not limited to,  
9 an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other  
10 component of the device or related product."

11 Tobacco use remains the leading cause of preventable disease, disability, and death in Hawaii  
12 and in the United States. Nationally, nearly 1,000 youth under the age of 18 become regular smokers  
13 daily, and almost one-third of them will die from it. The 2011 Hawaii Youth Tobacco Survey reports  
14 that in the state of Hawaii, 5,600 youth experiment with smoking for the first time each year; another  
15 1,400 become regular smokers. In Hawaii, 23% of young adults (18-24 years) and 9% of youth  
16 currently smoke.

17 National data from the 2012 United States Surgeon General's Report show that 95% of adult  
18 smokers begin smoking before the age of 21 years and 80% try their first cigarette before age 18.  
19 Nearly half of adult smokers become regular, daily smokers before age 18, more than 75%; become  
20 regular, daily smokers before they turn 21. This means the 18 to 21 year age group is a time when many  
21 smokers transition to regular use of cigarettes.

22 Tobacco companies heavily target young adults through a variety of marketing activities because  
23 they know it is a critical time period for solidifying nicotine addiction. As cited in the American Journal

1 of Public Health, the tobacco industry has admitted in their own internal documents the importance of  
2 increasing consumption within this target group in order to maintain a profitable business.

3 In addition to high tobacco taxes, comprehensive smoke-free laws, and comprehensive tobacco  
4 prevention and control programs, increasing the minimum legal sale age for tobacco products, from 18  
5 to 21 years, has emerged as a policy strategy, supported by the Campaign for Tobacco Free Kids, the  
6 American Cancer Society, the American Heart Association, and the American Lung Association, to  
7 reduce youth tobacco use and help users quit. The August issue of the Annals of Internal Medicine cited  
8 a “hypothetical health policy model in which the tobacco age of sale is increased to 21 years projected  
9 that youth smoking prevalence could be expected to drop from 22% to less than 9% among persons aged  
10 15 to 17 years within seven years.”

11 The DOH acknowledges Hawaii County for its accomplishment of leading the state in enacting  
12 this effective tobacco control legislation to raise the age of tobacco sales to 21 years in December 2013.  
13 Hawaii County now joins four states and a number of municipalities, including New York City, in  
14 raising the age of sale of tobacco products. This measure could reduce the risk of young people  
15 transitioning to regular or daily use. Adolescents would find it more difficult to pass themselves off as  
16 21-year olds than 18-year olds, and it would simplify identification checks for retailers, as paralleled by  
17 alcohol checks.

18 The DOH supports HB2133 as a viable strategy to reduce access to tobacco for a young and  
19 vulnerable population and prevent a lifelong addiction.

20 Thank you for this opportunity to testify.



American Cancer Society  
Cancer Action Network  
2370 Nuʻuanu Avenue  
Honolulu, Hawaiʻi 96817  
808.432.9149  
[www.acscan.org](http://www.acscan.org)

House Committee on Health  
Representative Della Au Belatti, Chair  
Representative Dee Morikawa, Vice Chair

Hearing: February 7, 2014; 8:45 a.m.

**SB 2133 – RELATING TO HEALTH**

Cory Chun, Government Relations Director – Hawaii Pacific  
American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in support of HB 2133, which increases the age to purchase tobacco products and electronic smoking devices to 21.

The American Cancer Society Cancer Action Network (ACS CAN) is the nation's leading cancer advocacy organization. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

According to the U.S. Surgeon General's 2012 report, 99% of all first tobacco use occurs by age 26.<sup>1</sup> Raising the age on sale for tobacco products to 21 could prevent many young people ages 18-21 from trying tobacco, becoming addicted, and developing a tobacco-related illness.

Thank you for the opportunity to submit testimony on this matter.

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<sup>1</sup> *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Office of the Surgeon General. Executive Summary, 2012 at 2.



**LATE**

**House Committee on Health**

The Hon. Della Au Belatti, Chair

The Hon. Dee Morikawa, Vice Chair

**Testimony in Support of House Bill 2133**

**Relating to Health**

**Submitted by Robert Hirokawa, Chief Executive Officer**

**February 7, 2014, 8:45 am, Room 329**

The Hawaii Primary Care Association (HPCA), which represents the federally qualified community health centers in Hawaii, supports House Bill 2133, which increases the age to purchase tobacco products from eighteen to twenty-one.

Research has shown that ninety percent of adult smokers began using tobacco products before the age of 21. On average, thirty percent of those will die early a smoking-related disease. Worldwide, tobacco use is the leading preventable cause of death, accounting for more than five million deaths a year. In the United States alone, more than \$289 billion is spent each year on direct medical care and lost productivity due to smoking related ailments.

The HPCA believes that making cigarettes tougher to obtain for the youth of Hawaii is a necessary step in bringing down these harrowing figures. For that reason, the HPCA supports this measure.

Thank you for the opportunity to testify.



COALITION FOR A  
TOBACCO-FREE HAWAII

**LATE**

To: The Honorable Della Au Belatti, Chair, Committee on Health  
The Honorable Dee Morikawa, Vice Chair, Committee on Health  
Members, House Committee on Health

From: Jessica Yamauchi, Executive Director

Date: February 6, 2014

Hrg: House Committee on Health; Fri., February 7, 2014 at 8:45 a.m. in Rm 329

Re: **Support with Recommendations for HB 2133, Relating to Health**

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Thank you for the opportunity to offer testimony in **support of and to offer recommendations** on HB 2133, which raises the age of sale of tobacco products to 21.

The Coalition for a Tobacco Free Hawaii (Coalition) is a program of the Hawaii Public Health Institute working to reduce tobacco use through education, policy and advocacy. Our program consists of over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

**The Coalition supports raising the age of sale of tobacco products to 21 to help prevent the initiation of tobacco use among youth.**

5,600 kids in Hawaii try smoking for the first time each year and 1,400 kids in Hawaii become regular smokers each year.<sup>1</sup> According to the US Surgeon General's report in 2012, 95% of all adult smokers start smoking before the age of 21.<sup>2</sup> 1,100 people die from tobacco use or exposure in Hawaii each year.<sup>3</sup>

According to the Tobacco Control Legal Consortium, raising the minimum legal sale age of tobacco is an effective policy in reducing or delaying smoking initiation among youth. Delaying the age that youth begin using tobacco will reduce the risk that they will become regular smokers as they get older, leading to lower prevalence rates and saving millions of dollars in health care costs.<sup>4</sup>

Most recently, Hawaii County and New York City passed laws that raise the minimum legal age of sale of tobacco to 21. In a recent poll conducted by Qmark for the Coalition, 72% of Hawaii

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<sup>1</sup> Hawaii State Department of Health, Tobacco Prevention and Education Program. (2011). *Data Highlights from the 2011 Hawaii Youth Tobacco Survey (YTS) and Comparisons with Prior Years*. Available at [http://health.hawaii.gov/about/files/2013/06/2011\\_HYTS.pdf](http://health.hawaii.gov/about/files/2013/06/2011_HYTS.pdf)

<sup>2</sup> U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: 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, 2012.

<sup>3</sup> Campaign for Tobacco-Free Kids, *The Toll of Tobacco in Hawaii*.  
[http://www.tobaccofreekids.org/facts\\_issues/toll\\_us/hawaii](http://www.tobaccofreekids.org/facts_issues/toll_us/hawaii)

<sup>4</sup> <http://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-minimumlegal-saleage-2013.pdf>  
320 Ward Avenue, Ste. 212 • Honolulu, HI 96814 • (808) 591-6508 • [www.tobaccofreehawaii.org](http://www.tobaccofreehawaii.org)

*\*The Coalition for a Tobacco-Free Hawaii is a program of the Hawaii Public Health Institute*



residents would support a law raising the age of sale of tobacco to 21. This measure will continue to place Hawaii at the forefront of tobacco prevention and control.

**The Coalition recommends including language from SB 2029 relating to Section 328J-16.**

The Coalition recommends adding in language from SB 2029 relating to Section 328J-16 which proposes to raise the legal age for cigarette vending machines to be located in establishments for which the minimum age for admission is twenty-one, commercial establishments where access to the premises by persons under twenty-one years of age and retail stores, bars or any other establishment for which the minimum age for admission is twenty-one.

**The Coalition also recommends including electronic-smoking devices (ESDs) in HB 2133.**

The Governor's package bills, SB 2871 and HB 2321, propose a new definition in section 328-J, HRS of "tobacco product", which includes ESDs. To provide for consistency within the Hawaii Revised Statutes (HRS), the Coalition recommends including ESDs in HB 2133 to ensure ESDs are being treated the same as all tobacco products.

For consistency within the HRS, the Coalition recommends the following language proposed in HB 2133.

"Electronic smoking device" means any electronic product that can be used to vaporize and deliver nicotine or other substance to the person inhaling from the device, vaporize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.

Thank you for the opportunity to testify on this matter.

A handwritten signature in black ink, appearing to read "Jessica Yamauchi". The signature is fluid and cursive, with a large, stylized 'J' and 'Y'.

Jessica Yamauchi, MA  
Executive Director

**From:** mailinglist@capitol.hawaii.gov  
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**HB2133**

Submitted on: 2/6/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Zehner	Hawaii Smokers Alliance	Oppose	No

Comments: This bill would criminalize smokers between 18-21 that come here as tourists or transferring military members from other states that already smoke. Are we going to force these people either to quit while they are in Hawaii, or have someone else break the law for them????

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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