STAND. COM. REP. NO. **100**

Honolulu, Hawaii

MAR 0 3 2017

RE: S.B. No. 151 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred S.B. No. 151 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to enable condominium associations to adopt rules and regulations that require unit owners to prohibit smoking inside a condominium unit as part of a lease agreement.

Your Committee received testimony in support of this measure from the Department of Health and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance, Associa, and twenty-two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Council of Associations of Apartment Owners.

Your Committee finds that individuals who live in multi-unit housing are susceptible to involuntary exposure to secondhand smoke, especially in Hawaii because of the State's relatively high volume of multi-unit housing dwellers. Secondhand smoke exposure is causally linked to adverse health outcomes among non-smokers, including heart disease, stroke, and lung cancer, and increased risk of severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome in children.



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Although smoke-free multi-unit housing policies protect residents of public housing in Hawaii, the affordable and market-rate sector lack adequate comprehensive protections against secondhand smoke.

Your Committee further finds that, because renters are not a protected class and smoking is not a protected activity, this measure does not implicate the Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related transactions based on race, color, national origin, religion, sex, familial status, and disability.

Your Committee has amended this measure by:

- Inserting language that allows condominium associations (1)to also adopt rules that prohibit smoking on lanais and in all common elements;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 151, S.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Health,

Lasly H. BAKER, Chair



The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Commerce, Consumer Protection, and Health CPH

Bill / Resolution No.:*	Committee	Referral:	Dat	e: / /	
58151	(P)	PH		3/1/17	
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)		/			
NISHIHARA, Clarence K. (VC)					
CHANG, Stanley		1			
ESPERO, Will		1			
IHARA, Jr., Les					<
KIDANI, Michelle N.		(
RUDERMAN, Russell E.					/
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TOTAL		_5			2
Recommendation:					
Chair's or Designee's Signature:					
Clarence be niskihan					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes