

STAND. COM. REP. NO. 452

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 1016  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary, to which was referred S.B. No. 1016 entitled:

"A BILL FOR AN ACT RELATING TO SALES OF TOBACCO,"

beg leave to report as follows:

The purpose and intent of this measure is to reduce use, access, and exposure to tobacco products by youth by prohibiting the issuance and renewal of retail tobacco permits for places of business and the sale of tobacco products or electronic smoking devices within seven hundred fifty feet of preschools, schools, or public parks.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Public Health Institute, Keiki Injury Prevention Coalition, Blue Zones Project - Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ho'omanapono Political Action Committee, and seven individuals. Your Committees received testimony in opposition to this measure from Retail Merchants of Hawaii; Hawaii Food Industry Association; Hawaii Petroleum Marketers Association; Hawaii Smokers Alliance; HI Lyfe Vaporz, LLC; Irie Hawaii Stores; Island Energy Services, Retail LLC; and thirty individuals. Your Committees received comments on this measure from the Department of Taxation, Department of the Attorney General, and Department of Health.



Your Committees finds that that ninety-five percent of smokers start before the age of twenty-one and that density of tobacco retailers around schools has a significant impact on the prevalence of youth tobacco use. Tobacco and electronic smoking device manufacturers employ tactics such as child-friendly flavors, celebrity endorsements, and high-tech design, and youth and children are particularly susceptible to these cues.

California, New York, and numerous other localities have implemented tobacco retailer zones like the one proposed in this measure, where sales of tobacco products and permits for tobacco retailers are prohibited near schools, parks, and other areas frequented by youth. Researchers from the University of Buffalo and Roswell Park Cancer Institute found more tobacco outlets concentrated around elementary and secondary schools, and more densely concentrated in lower-income areas. This may contribute to disparities in tobacco use between socioeconomic groups.

Your Committees find that creating tobacco retail buffer zones encourages responsible tobacco retailing, reduces tobacco-related health issues, and, most importantly, reduces youth tobacco use, including through the use of electronic smoking devices.

Your Committees have heard the concerns raised in testimony that determining the distance between a retail location and a school or playground is labor-intensive and outside the realm of Department of Taxation's expertise. Therefore, your Committees intend to place the responsibility of determining the distance to a school or playground on the permit applicant, with the Department of Taxation retaining an oversight role through audits or inspection procedures.

Your Committees have amended this measure by:

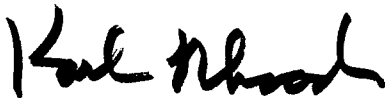
- (1) Clarifying that an applicant for a retail tobacco permit, rather than the Department of Taxation, is responsible for determining whether the retailer is within seven hundred fifty feet of a preschool, school, or playground;



- (2) Removing the definitions of "electronic smoking device" and "tobacco product", as these terms are already defined in chapter 328J, Hawaii Revised Statutes;
- (3) Clarifying the Department of Taxation's authority to suspend, revoke, or decline to issue a retail tobacco permit;
- (4) Exempting vocational or licensing schools attended primarily by adults and public or private day care centers near commercial areas from the buffer zone requirements proposed by this measure;
- (5) Changing its effective date to upon approval but delaying implementation of the tobacco retail buffer zone prohibitions until January 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

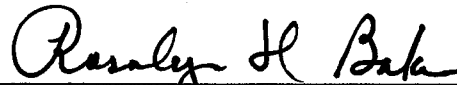
As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1016, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1016, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and Health  
and Judiciary,



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KARL RHOADS, Chair




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ROSALYN H. BAKER, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

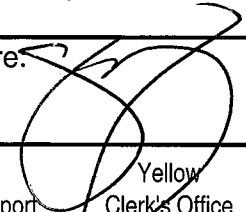
**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1016	CPH/JDC, WAM	2/13/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOPE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:    Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>S.B. 1016</b>	Committee Referral: <b>CPH/JDC, WAM</b>	Date: <b>2/13/2019</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye/	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>3</b>	<del>0</del>	<del>0</del>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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