

STAND. COM. REP. NO. 752

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 269  
S.D. 1

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

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 269 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:

- (1) Require unit owners to prohibit smoking inside a  
condominium unit as part of a lease agreement; and
- (2) Prohibit smoking on a lanai of a condominium unit and in  
all common elements.

Your Committee received testimony in support of this measure  
from the Department of Health, Hawai'i Public Health Institute,  
O'ahu County Committee on Legislative Priorities of the Democratic  
Party of Hawai'i, and seven individuals. Your Committee received  
testimony in opposition to this measure from the Hawaii Smokers  
Alliance and sixteen individuals. Your Committee received  
comments on this measure from Associa and one individual.

Your Committee finds that individuals who live in multi-unit  
housing are especially susceptible to involuntary exposure to  
secondhand smoke. Data shows that tobacco use is slightly higher  
among those living in multi-unit housing compared to single-family



homes. Among those living in multi-unit dwellings with no smoking rules, approximately 34.4 percent experienced incursions of secondhand smoke from neighbors or somewhere in the building. Hawaii's relatively high volume of multi-unit housing dwellers leaves many in vulnerable situations.

Your Committee further finds that secondhand smoke exposure is causally linked to adverse health outcomes among non-smokers, including heart disease, stroke, lung cancer in adults, and increased risk of severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome in children. Smoke-free policies are becoming the public norm, and the only way to effectively eliminate exposure to dangerous secondhand smoke is to prohibit tobacco use altogether. This measure supports a public health strategy toward comprehensive protections against involuntary exposure to secondhand smoke for those living in condominiums. Additionally, this measure protects unit owners from the high cost associated with the removal and damage caused by third-hand smoke.

Your Committee has heard the concerns raised in testimony that this measure's prohibition against smoking is limited only to tenants and will therefore have little impact on condominium projects that have a high percentage of owner-occupied units. Your Committee understands these concerns and concludes that amendments to this measure are needed.

Your Committee has amended this measure by:

- (1) Clarifying that condominium associations may adopt rules and regulations prohibiting smoking in all units and the entire condominium project by all persons; and
- (2) 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. 269, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 269, 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,

  
\_\_\_\_\_  
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 269	CPH	2/15/19		
<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)	X			
CHANG, Stanley (VC)				X
KEOHOKALOOLE, Jarrett	X			
NISHIHARA, Clarence K.				X
RUDERMAN, Russell E.	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	5	0	0	2
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				

\*Only one measure per Record of Votes