STAND. COM. REP. NO. 259 -Honolulu, Hawaii FEB 07 , 2020

RE: H.B. No. 2049 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committees on Health and Lower & Higher Education, to which was referred H.B. No. 2049 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to:

- Direct public school teachers and educators to confiscate electronic cigarettes and electronic cigarette products; and
- (2) Require public schools to coordinate with the appropriate county police departments for the proper disposal of confiscated electronic cigarettes and electronic cigarette products.

Your Committees received testimony in support of this measure from the Hawaii Primary Care Association, Irie Hawaii, Tobacco King LLC, and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii State Teachers Association, Hawaii Smokers Alliance, and thirteen individuals. Your Committees received comments on this measure from the Department of Education, Department of Health, and Coalition for a Tobacco-Free Hawaii.



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Your Committees find that under existing law, any tobacco product or electronic smoking device found in a student's possession is seized by the school administration and forfeited to law enforcement. Your Committees note that requiring public school teachers and educators to confiscate electronic cigarettes and electronic cigarette products may be problematic and difficult to implement. Your Committees further find that it is imperative for confiscated electronic smoking devices to be removed on a consistent and timely schedule.

Accordingly, your Committees have amended this measure by:

- (1) Changing references to "electronic cigarettes" and "electronic cigarette products" to "electronic smoking devices" and "electronic smoking device products";
- (2) Authorizing, rather than requiring, teachers and educators to confiscate electronic smoking devices and electronic smoking device products;
- (3) Requiring public schools to coordinate with county police departments for the proper disposal of confiscated items within three months of confiscation;
- (4) Inserting a repeal date of January 1, 2023;
- (5) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Lower & Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2049, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2049, H.D. 1, and be referred to your Committee on Judiciary.

HB2049 HD1 HSCR HLT-LHE HMS 2020-0716

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Respectfully submitted on behalf of the members of the Committees on Health and Lower & Higher Education,

JUSTIN H. WOODSON, Chair

L. N. JOHN M. MIZUNQ Cha r



State of Hawaii House of Representatives The THIRTIETH Legislature

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Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral: Date: hT/LHE, JUD, FIN 2-4-20				0	
□ The committee is reconsidering its prev						
	, unamended (a short form bill		s, with amendments	(HD) Hold lic hearing (recomm		
HLT Members		Ayes	Ayes (WR)	Nays	Excused	
1. MIZUNO, John M. (C)		 ✓ 				
2. KOBAYASHI, Bertrand (VC)						
3. BELATTI, Della Au						
4. NAKAMURA, Nadine K.						
6 CAN DUENAVENTUDA Los A						
5. SAN BUENAVENTURA, Joy A						
6. SAY, Calvin K.Y.						
7. TOKIOKA, James Kunane						
		/				
8. WARD, Gene		V				
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TOTAL (8)		5		4	2	
	opted referral,	Not Adopte ommittee acronym(s	did not supp	ort recommendatior	ı.	
Vice Chair's or designee's signature:						
Distribution: Original (White) – Commi	ittee Dup	licate (Yellow) -	Y Chief Clerk's Offic	e Duplicate (P	ink) – HMSO	

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Record of Votes of the Committee on Lower & Higher Education

Bill/Resolution No.:CommitteeHB 2049HLT/1	Committee Referral: HLT/LHE, JUD, FIN Date: 2/4/2020							
The committee is reconsidering its previous decision on the measure.								
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)								
LHE Members	Ayes	Ayes (WR)	Nays	Excused				
1. WOODSON, Justin H. (C)								
	/							
2. HASHEM, Mark J. (VC)	<u> </u>							
		/						
3. QUINLAN, Sean (VC)		✓						
4. DeCOITE, Lynn				7 				
4. Decome, Lynn			, v					
5. JOHANSON, Aaron Ling								
		. /		•				
6. KOBAYASHI, Dale T.								
	strate /							
7. MORIKAWA, Dee								
8. OHNO, Takashi				\checkmark				
0 TADNAS David A								
9. TARNAS, David A.		1						
10. TOKIOKA, James Kunane								
11. OKIMOTO, Val			\checkmark					
		unity there is a						
TOTAL (11)	4	3	2	2				
The recommendation is: Adopted In Not Adopted If joint referral,								
Vice Chair's or designee's signature:								
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO								