



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/11/2020

**Time:** 02:00 PM

**Location:** 309

**Committee:** House Lower & Higher  
Education  
House Health

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1956 RELATING TO TOBACCO.

**Purpose of Bill:** Establishes a requirement that persons under 21 years of age who use tobacco at a public school or public school function attend a tobacco education course. Persons under 18 years of age shall be accompanied to the course by their parent or guardian. Establishes a related fee.

**Department's Position:**

The Department of Education (Department) respectfully offers comments on HB 1956.

One of the Department's priorities is the safety and well-being of all students. As part of the consistent effort to empower students to make positive decisions about their health, the Department adopted the National Health Education Standards (NHES) in December 2019.

These high-quality K-12 standards-based Health Education curriculum, instruction, and assessments provide the framework for increasing positive health behaviors by teaching skills that are relevant and applicable to daily life, including promoting a tobacco-free lifestyle (i.e. all forms of tobacco products, nicotine products, electronic smoking devices). This includes avoiding experimentation and use of tobacco, avoiding second-hand smoke, and support for tobacco-free environments.

The Department is proactive in educating students and promoting public awareness as to the harmful risks and dangers associated with all tobacco products, including e-cigarettes.

The Department already offers the following in regards to Health Education:

- Required in all elementary grades;
- Strongly recommended to have one semester per grade in middle school; and

- A one-semester course is required for graduation in high school grades 9-12.

Title 8, Chapter 19, Hawaii Administrative Rules (HAR), provides that students who are found in possession of, use, sale or distribution of tobacco products on campus, other Department premises, on Department transportation, or during a Department-sponsored activity or event on or off school property may be subject to disciplinary actions, in addition to interventions to teach and support appropriate behavior.

Therefore, the Department respectfully suggests that it already fully engages in tobacco product and e-cigarette-related prevention education, maintains sufficient statutory and administrative authority related to the use and possession of these products, and ensures appropriate consequences and support for students in violation of Hawaii's laws and Department rules.

Thank you for the opportunity to provide testimony on HB 1956.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



**Testimony to the House Joint Committee on Lower and Higher Education, and Health  
Tuesday, February 11, 2020; 2:00 p.m.  
State Capitol, Conference Room 309**

**RE: HOUSE BILL NO. 1956, RELATING TO TOBACCO.**

Chair Woodson, Chair Mizuno, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1956, RELATING TO TOBACCO.

The bill, as received by your Committee, would require:

- (1) Any person under the age of eighteen who uses tobacco at a public school or public school function to attend a tobacco education course, accompanied by the person's parent or guardian;
- (2) The parent or guardian of the minor using tobacco at a public school or public school function to pay \$25 to offset the cost of the course;
- (3) Any person between the ages of eighteen and twenty-one who uses tobacco at a public school or public school event to attend a tobacco education course and pay \$25 to offset the cost of the course.

The bill would also prohibit the suspension or waiver of the fee and provide that the fee be in lieu of any other penalty for the unlawful use of tobacco by persons under the age of twenty-one imposed by law.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

**Testimony on House Bill No. 1956**

**Tuesday, February 11, 2020; 2:00 p.m.**

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FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco affect our citizenry on a generational basis with people experimenting at even earlier ages.

It is for this reason that the HPCA joins the American Cancer Society of Hawaii, the Hawaii Public Health Institute, and other advocates in strong support of all efforts to rid the marketplace of these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or [eabe@hawaiipca.net](mailto:eabe@hawaiipca.net).

**HB-1956**

Submitted on: 2/9/2020 10:41:24 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Ching, MD, MPH	American Academy of Pediatrics, Hawaii Chapter	Support	No

Comments:

The American Academy of Pediatrics, Hawaii Chapter, supports this bill, which would require people under the age of 21 that are caught using tobacco products at schools or school functions to take a tobacco education course. Fines and other penalties for youth users of nicotine and tobacco mainly shift the blame away from the companies that produce and sell these products. Our young people are targeted by underhanded marketing schemes which is unconscionable for a product that is already severely addictive. The appropriate response for our young people is education, not financial penalties.

On behalf of the keiki and young people of Hawaii, please support this bill. Mahalo for your consideration.



## HIPHI Board

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College of Tropical Agriculture  
and Human Resources

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Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: February 10, 2020

To: Representative Justin H. Woodson, Chair  
Representative Mark J. Hashem, Vice Chair  
Representative Sean Quinlan, Vice Chair  
Members of the Lower and Higher Education Committee

Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the Health Committee

Re: Support HB 1956, Relating to Tobacco

Hrg: February 11, 2020 at 2:00 PM at Conference Room 309

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The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute is in **Support of HB 1956**, which requires people under the age of 21 that are caught using tobacco products at public schools or public school functions to take a tobacco education course. If they are under 18, a parent or guardian would need to accompany them to the course. The tobacco education course would need to be approved by the Department of Health that integrates best practices for tobacco cessation.

### **This measure helps to protect our keiki from a lifetime of addiction.**

Hawai'i is experiencing a vaping epidemic among our young people. The State Legislature has worked hard to protect our residents from the harms caused by tobacco use, but the rapid growth of e-cigarette use is alarming. With 42% of all high school students and 27% of middle schoolers reporting ever having used an "electronic vaping product" in 2017, we have an urgent need to act.

Nicotine is highly addictive, and youth with developing brains are more susceptible to addiction to nicotine. Because not all smoking cessation products and programs are suitable for youth, they may need a solution that is specific to youth. The Coalition defers to the Department of Health and Department of Education on the selection and implementation of this program.

**This bill provides an alternative to youth penalties for use and possession of tobacco products, including e-cigarettes.**

Possession of tobacco products by underage persons (“PUP”) unfairly punish and stigmatize children, who become addicted at such a young age as a result of the tobacco industry’s aggressive marketing to kids. The Coalition strongly opposes PUP laws, a known tobacco industry tactic<sup>ii</sup> that shift the blame away from the industry’s irresponsible marketing and retailers’ violations of our Tobacco 21 law. Further, PUP laws are not effective on reducing underage tobacco use and divert policy attention from effective tobacco control strategies and reinforce the tobacco industry’s position that parents or guardians are responsible for restricting minors’ access to tobacco. This bill offers education which is a more suitable consequence and is intended to help youth quit.

Comprehensive tobacco control policies will be needed in order to reduce youth e-cigarette use in Hawai‘i. In addition to youth education and cessation courses, we also need other policies that are known to be effective at reducing tobacco use. This measure will help to address e-cigarette use on school facilities and at school events, but youth are using these products both on and off-campus.

The Centers for Disease Control and Prevention outlines a number of proven strategies to prevent youth tobacco use, which include: regulating tobacco products; decreased access to tobacco products; increased price of tobacco products; tobacco prevention policies and programs in schools; and increased enforcement of restrictions on tobacco sales to minors.

We respectfully urge the committee to **pass HB 1956**.

Mahalo,



Jessica Yamauchi, MA  
Executive Director

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<sup>i</sup> The Coalition for a Tobacco-Free Hawai‘i (Coalition) is a program of the Hawai‘i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai‘i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Hawai‘i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

<sup>ii</sup> Wakefield M, Giovino G Teen penalties for tobacco possession, use, and purchase: evidence and issues Tobacco Control 2003;12:i6-i13; via [https://tobaccocontrol.bmj.com/content/12/suppl\\_1/i6.citation-tools](https://tobaccocontrol.bmj.com/content/12/suppl_1/i6.citation-tools)

Date: February 7, 2020

To: The Honorable Justin H. Woodson, Chair  
The Honorable Mark J. Hashem, Vice Chair  
The Honorable Sean Quinlan, Vice Chair  
Members of the House Committee on Lower & Higher Education

The Honorable John M. Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Health

Re: **Strong Support for HB1956**, Relating to Tobacco

Hrg: February 11, 2020 at 2:00 PM in Capitol Room 309

Aloha House Committees on Lower & Higher Education and Health,

As a parent, educator and health professional, I am writing in **strong support of HB1956**, which establishes a requirement that persons under 21 years of age who use tobacco at a public school or public school function attend a tobacco education course; persons under 18 years of age shall be accompanied to the course by their parent or guardian; and, establishes a related fee.

Requiring tobacco education for youth who use tobacco products at school is a positive, effective step in addressing underage tobacco use. This sends a message of caring and concern, providing underage victims of nicotine addiction with a non-punitive alternative to learn about, and seek assistance for, nicotine addiction, rather than ineffective and inequitable possession and use penalties.

By requiring attendance of a parent or guardian of those under 18 years of age, HB1956 ensures that the responsible adult(s) in the youth's life will be exposed to evidence-based information about the negative impacts of nicotine and tobacco products on the developing brains and bodies of their youth.

I **strongly support HB1956** and respectfully ask you to pass this bill out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD  
Kea'au, HI



**HB-1956**

Submitted on: 2/8/2020 7:58:59 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Mih	Individual	Support	No

Comments:

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I support this bill, which would require people under the age of 21 that are caught using tobacco products at schools or school functions to take a tobacco education course. Fines and other penalties for youth users of nicotine and tobacco mainly shift the blame away from the companies that produce and sell these products. Our young people are targeted by underhanded marketing schemes which is unconscionable for a product that is already severely addictive. The appropriate response for our young people is education, not financial penalties.

On behalf of the keiki and young people of Hawaii, please support this bill. Mahalo for your consideration.

**HB-1956**

Submitted on: 2/9/2020 10:39:22 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Crystal Robello	Individual	Support	No

Comments:

I am writing in support of HB 1956, proposing that people under 21 caught using tobacco products in schools be required to attend a tobacco cessation course with their parents. As a pediatrician on Kauai, I have been alarmed by the sharp increase in the use of vaping products, as promulgated by the tobacco industry as a safe and “cool” behavior. In speaking to both adolescents and their parents, they seem unaware of the dangers of nicotine addiction, not to mention lung disease and even death, cause by the use of these products. It’s obvious that Possession-Use-Purchase restrictions have not had an effect on the use of tobacco products by children. A more targeted and potentially more effective solution would be educating tobacco users directly by mandating a specific course, created by the DOE/DOH/physicians. I hope you will strongly consider this as one of the solutions to the explosion in the use of new nicotine products by children. The cost is minimal, too.

Thank you, Linda Weiner MD  
Pediatrician, Kauai

# PUP in Smoke

## Why Youth Tobacco Possession and Use Penalties Are Ineffective and Inequitable



Laws prohibiting the possession, use, and purchase of tobacco products by minors — also known as *PUP laws* — are ineffective as deterrents to youth smoking and are often enforced inequitably. This fact sheet provides tobacco control advocates with effective alternatives, best practices, and resources.

### What Are PUP Laws?

The early 1990s saw a large increase in laws prohibiting the possession, use, and purchase of tobacco products by minors — also known as *PUP laws*. In 1988, only 6 states prohibited possession of cigarettes by minors. By 1995, that number had tripled, and by 2001, 32 states prohibited youth possession.<sup>1</sup> The numbers and trends are similar for youth use and purchase prohibitions. Today, all 50 states and the District of Columbia have laws restricting the sale of tobacco to minors, and all but 7<sup>2</sup> also have PUP laws.<sup>3</sup>

Many states adopted PUP laws in response to escalating tobacco use by youth and a growing body of evidence on tobacco-related harms. However, the rise in PUP laws is also linked to Big Tobacco's response to the Synar amendment,<sup>4</sup> which required states to enact and enforce laws prohibiting distribution and sale of tobacco products to minors. As states imposed restrictions on tobacco retail sales, the tobacco industry and retail merchants associations pressured lawmakers to penalize buyers and users as well as vendors.<sup>5,6</sup>

Advocates for PUP laws hoped that the laws would play a central role in a multi-pronged approach to reducing youth initiation and smoking rates, but studies show little evidence of a deterrent effect over time.

## Enforcement of PUP Laws

Big Tobacco targeted youth for decades, seeking to create new generations of customers addicted to its products. Instead of holding industry and retailers accountable, PUP laws shift responsibility to their victims – young consumers who are purchasing and using a deadly and highly addictive product. Enforcement mechanisms vary by jurisdiction, and penalties range from education and community service to fines and incarceration. Many jurisdictions suspend (or refuse to issue) driver's licenses for PUP law violations. Some jurisdictions require participation in smoking cessation or tobacco education classes, which are chronically underfunded and often insufficient to meet public health goals. Some jurisdictions even use school suspension as an enforcement tool.

For a policy to have a lasting deterrent effect, a potential offender must believe there is a high likelihood of detection and resulting punishment.<sup>7</sup> There is no systematic surveillance of PUP laws, but existing data show that PUP laws are inconsistently and selectively enforced. Furthermore, data show that PUP laws are 4 times more likely to be enforced than the laws prohibiting retailers from selling tobacco products to youth in the first place.<sup>8</sup> Finally, psychologists have found that punishment is not an optimal strategy for behavior change – a finding that is even more relevant when the behavior in question is addictive.<sup>9</sup>

## PUP Laws Are Ineffective and Inequitable

ChangeLab Solutions does not include youth PUP provisions in its model ordinances because they are both ineffective and inequitable. PUP laws are unlikely to reduce youth initiation and smoking prevalence at the population level. Some researchers suggest that they are counterproductive, actually increasing smoking rates among youth who seek to engage in behavior deemed deviant or behavior associated with adulthood.

PUP laws are inequitable because they disproportionately affect youth of color. Youth of color – as well as LGBT youth, youth with disabilities, and boys – are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry.<sup>10,11</sup> In addition to carrying a higher burden of tobacco-related harm, African American and Hispanic youth report higher citation rates than their white peers even after accounting for smoking frequency.<sup>12</sup> These findings mirror disparities recorded throughout criminal justice and school disciplinary systems.

Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas.<sup>13</sup> Consequently, low-income youth are more likely to smoke and to be affected by PUP laws. A child with a job, a single parent, or 2 parents who work outside the home may struggle to complete community service or pay fines. If a violation results in suspension of a driver's license, travel to school, a job, or a community service site becomes more difficult. A child who is unable to complete community service or pay fines may be subject to escalating penalties that are increasingly difficult to resolve. Further, the resulting stress takes a toll on health and increases the likelihood of risky behaviors or involvement with juvenile justice, mental health, substance use, or other systems.<sup>14</sup>

PUP laws stigmatize youth who smoke, yet smoking is an addictive behavior promoted by a billion-dollar industry that directly and deliberately targets them. Stigma is not an effective public health intervention,



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and it may keep kids from seeking cessation treatment or education. Problematic behaviors such as smoking may be more likely to continue in the face of punishment (as opposed to cessation interventions) because punishment provides an incentive to hide the behavior and protect those engaged in it. In addition, long-term behavior correction is more likely to occur when those addressing the behavior are loved or trusted; thus, parents and teachers – not law enforcement – are best positioned to deter smoking by youth.<sup>15</sup>

Finally, PUP laws may divert law enforcement and policy resources away from more effective strategies, some of which are described in the next section.<sup>16</sup>

## Alternatives and Best Practices

Jurisdictions that wish to curb youth smoking have a wide variety of effective, equitable options. ChangeLab Solutions offers model policies that incorporate many of these provisions:

### Retailer-focused policies, including compliance checks with youth decoys

Comprehensive tobacco retailer licensing (TRL) policies imposed by states or local jurisdictions place responsibility on retailers rather than young consumers. With appropriate funding and enforcement, TRL policies have proven more effective than PUP laws in reducing youth initiation and ongoing tobacco use. Ideally, enforcement should include regular compliance checks that use youth decoys.

California's Department of Justice recently awarded a new wave of [tobacco control grants](#) to combat illegal sale and marketing of cigarettes and other tobacco products to minors. While these funds can be used in different ways, Oroville City Elementary School District's approach aligns with our recommended best practices. The district will use grant funds to implement a tobacco prevention program for students in grades 4-8 and to conduct retail enforcement operations near school campuses, targeting retailers who prey on youth rather than penalizing kids.

### Limits on advertising

Although legal considerations make it difficult to eliminate all tobacco advertisements, local governments can effectively reduce youth exposure to Big Tobacco's advertising by limiting the amount of window signage of any kind.

### Minimum pricing and pack size

Youth are particularly price-sensitive, and studies show that price controls reduce smoking prevalence and initiation. Combining policies that require both a minimum pack size and a minimum price for all tobacco products can make items that are particularly appealing to youth (such as single flavored cigarillos) more expensive and less accessible to youth.

### Restrictions on flavored tobacco products

Most young people report that they used flavored products when they started smoking. Restricting flavored tobacco products to adult-only stores or prohibiting them entirely can reduce youth initiation of smoking.

In 2014, the City of Santa Cruz adopted [Ordinance 2014-04](#), which prohibited the use of e-cigarettes in smokefree areas, the sale of e-cigarettes to minors, and the possession or use of e-cigarettes by minors. Four years later, the City of Santa Cruz adopted [Ordinance 2018-19](#), repealing youth possession and use penalties and adopting robust prohibitions of flavored tobacco products in their place. Banning the sale of flavored tobacco products is an effective and equitable strategy that can reduce youth initiation and tobacco use rates.

### Cessation resources

Finally, cessation and tobacco education programs are often under-resourced and tailored for adults. Programs that are sufficiently funded, youth-specific, and free of charge are crucial elements of a comprehensive anti-tobacco strategy aimed at youth.<sup>17</sup>



## What's Next?

ChangeLab Solutions and many tobacco control organizations agree that PUP penalties are outdated, misguided, and ineffective. But it's important not to replace one bad policy with another. Getting rid of PUP laws could shift enforcement from police to schools. Research shows bias in school discipline practices, which disproportionately affect youth of color and low-income youth.<sup>18</sup> Further, schools that primarily serve low-income youth are more likely to impose harsh punishments and use intense surveillance measures associated with higher suspension rates. These practices also have a disparate impact on students of color. For example, a black student's odds of being suspended have been found to be 2.7 times higher than those of a white student.<sup>19</sup>

As communities and school districts begin to address increasing use of vapor and electronic smoking devices by youth, it is important to consider the equity implications of different approaches. Decisionmakers must ask whether policies address the inequities that lead to different youth populations' use of tobacco products – and whether enforcement will lead to equitable outcomes rather than worsening inequities.

While youth tobacco use remains a pressing public health problem, public health agencies should promote effective solutions that place the blame where it belongs: on the tobacco industry and retailers who sell to youth.

## Resources

### Stanford University's research on the impact of tobacco advertising

[http://tobacco.stanford.edu/tobacco\\_main/index.php](http://tobacco.stanford.edu/tobacco_main/index.php)

### Stanford School of Medicine's fact sheets and educational units on vaping

<https://med.stanford.edu/tobaccopreventiontoolkit/E-Cigs.html>

### ChangeLab Solutions' Comprehensive TRL Model Ordinance

[www.changelabsolutions.org/publications/model-TRL-Ordinance](http://www.changelabsolutions.org/publications/model-TRL-Ordinance)

### California Smokers' Helpline resources, including a mobile app and support via text message

[www.nobutts.org/free-services-for-smokers-trying-to-quit](http://www.nobutts.org/free-services-for-smokers-trying-to-quit)

### Campaign for Tobacco-Free Kids' fact sheet on youth PUP laws

[www.tobaccofreekids.org/assets/factsheets/0074.pdf](http://www.tobaccofreekids.org/assets/factsheets/0074.pdf)

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*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

*This material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health, California Tobacco Control Program.*

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Photos courtesy of iStockPhoto (cover), California Department of Public Health, California Tobacco Control Program (pages 2, 4), and ChangeLab Solutions (page 5).

## Notes

- <sup>1</sup> Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tobacco Control*. 2003;12(suppl 1):i6-i13.
- <sup>2</sup> CA, MD, MA, NV, NJ, NY, DC.
- <sup>3</sup> States without PUP laws may still have local PUP ordinances.
- <sup>4</sup> U.S. Department of Health & Human Services. About the Synar Amendment and program. [www.samhsa.gov/synar/about](http://www.samhsa.gov/synar/about). Updated September 2017. Accessed March 5, 2019.
- <sup>5</sup> Lantz PM, Jacobson PD, Warner KE, et al. Investing in youth tobacco control: a review of smoking prevention and control strategies. *Tobacco Control*. 2000;9(1):47-63.
- <sup>6</sup> Jacobson PD, Wasserman J. *Tobacco Control Laws: Implementation and Enforcement*. Santa Monica, CA: RAND Corporation. [www.rand.org/pubs/monograph\\_reports/MR841.html](http://www.rand.org/pubs/monograph_reports/MR841.html). 1997. Accessed March 5, 2019.
- <sup>7</sup> Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tobacco Control*. 2003;12(suppl 1):i6-i13.
- <sup>8</sup> Forster JL, Komro KA, Wolfson M. Survey of city ordinances and local enforcement regarding commercial availability of tobacco to minors in Minnesota, United States. *Tobacco Control*. 1996;5(1):46-51.
- <sup>9</sup> Volkow ND, Baler RD, Goldstein RZ. Addiction: pulling at the neural threads of social behaviors. *Neuron*. 2011;69(4):599-602.
- <sup>10</sup> Bach, L. *Tobacco Company Marketing to Kids*. Washington, DC: Campaign for Tobacco-Free Kids. [www.tobaccofreekids.org/assets/factsheets/0008.pdf](http://www.tobaccofreekids.org/assets/factsheets/0008.pdf). Accessed on March 5, 2019.
- <sup>11</sup> American Lung Association, Campaign for Tobacco-Free Kids, American Cancer Society, et al. *Achieving Health Equity in Tobacco Control*. [truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf](http://truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf). Published December 8, 2015. Accessed on March 5, 2019.
- <sup>12</sup> Gottlieb NH, Loukas A, Corrao M, McAlister A, Snell C, Huang PP. Minors' tobacco possession law violations and intentions to smoke: implications for tobacco control. *Tobacco Control*. 2004;13(3):237.
- <sup>13</sup> American Lung Association, Campaign for Tobacco-Free Kids, American Cancer Society et al. *Achieving Health Equity in Tobacco Control*. [truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf](http://truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf). Published December 8, 2015. Accessed on March 5, 2019.
- <sup>14</sup> Rew L, Horner SD. Youth resilience framework for reducing health-risk behaviors in adolescents. *J Pediatr Nurs*. 2003;18(6):379-388.
- <sup>15</sup> Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tobacco Control*. 2003;12(suppl 1):i6-i13.
- <sup>16</sup> Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tobacco Control*. 2003;12(suppl 1):i6-i13.
- <sup>17</sup> California Smokers' Helpline currently offers free alternative methods of cessation counseling such as a text message support system, available at [www.nobutts.org/free-services-for-smokers-trying-to-quit](http://www.nobutts.org/free-services-for-smokers-trying-to-quit).
- <sup>18</sup> Nance J. Student surveillance, racial inequalities, and implicit racial bias. *Emory Law J*. 2017;66(4):765-837.
- <sup>19</sup> Finn JD, Servoss, TJ. Misbehavior, suspensions, and security measures in high school: racial/ethnic and gender differences. *J Appl Res Child*. 2014;5(2).



Photo by ChangeLab Solutions



**HB-1956**

Submitted on: 2/10/2020 8:15:11 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Molly Mamaril	Individual	Support	No

Comments:

**HB-1956**

Submitted on: 2/10/2020 8:26:28 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Megan Tabata	Individual	Support	No

Comments:

**HB-1956**

Submitted on: 2/10/2020 8:53:54 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristin Mills	Individual	Support	No

Comments:

As public health educator for the State Dept. of Health and as a parent, I am in support of HB 1956. Youth under the age of 21 who are found to be smoking and vaping tobacco products, need education to help them to learn about these harmful products rather than punitive laws. Punitive laws have been shown to be ineffective. Further, these youth have been targeted by the tobacco companies. They are victims of the tobacco industry wanting youth to become addicted to their products. Our youth need education and support not punitive laws.

**HB-1956**

Submitted on: 2/10/2020 8:54:21 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashlee Klemperer	Individual	Support	No

Comments:

Re: In Support of HB1956

House Committee Members and Committee Chair,

As a social worker, prevention worker, and parent I wish to provide testimony in great support of HB1956 - Relating to tobacco. The tobacco industry has preyed upon youth and marginalized populations for the entirety of existence and has created vast harms for our nation. As a concerned parent and citizen I am desperately asking for you all to pass HB1956 requiring individuals under the age of 21 to participate in a tobacco education plan if they are found in possession or consuming of any tobacco products.

The need for education is great but we also need to stop the criminalization of our youth. Penalties for young people do not create behavior change at the population level and are proven to be ineffective policies in reducing substance use among youth. By providing these individuals with education and support we actually stand a chance in establishing healthier behaviors and reduce youth tobacco use.

Please pass this bill and prioritize the health and wellness of our youth.

Ashlee Klemperer, MSW

851 S Kihei Rd, Apt O103

Kihei, HI 96753

**HB-1956**

Submitted on: 2/10/2020 12:09:48 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mary santa maria	Individual	Support	No

Comments:

Please pass this bill that would require persons under 21 who are caught using tobacco products to attend a tobacco education learning course, and those under 18 to require that parents or guardians attend with the youth. Charge a fee for the course, but do not criminalize these youth with fines. We know that fines do nothing to stop use of tobacco products, while education at least let these youth make an informed choice in the future.

Sincerely with Aloha

Mary Santa Maria, M.S., M.P.H.

**HB-1956**

Submitted on: 2/10/2020 12:35:13 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laksmi M Abraham	Individual	Support	No

Comments:

Testimony to House Committee on Lower & Higher Education AND  
Committee on Health  
Tuesday, February 11, 2020; 2:00 pm.  
State Capitol, Conference Room 309

Dear Chair Woodson, Chair Mizuno, and Joint Committee Members,

My name is Ramie Santiago and I **support** HB 1956: RELATING TO TOBACCO.

There are too many children under 18 that are choosing to vape in Hawaii. According to the Center for Disease Control and Prevention Hawai'i ranks second in children ranging from 6th to 12th grade who choose to vape (1). According to Kaiser Health News numbers reported in 2018 translate to 3 million high school students nationally who vape. These staggering numbers continue to rise with advancements in vaping technology. Vaping devices can come in a variety of sizes and others like the JUUL product which is the size of a small USB port and can be used almost undetectable. Nicotine levels are manipulated and highly concentrated like the JUUL that can contain as much nicotine as 20 packs of cigarettes.

Nicotine is extremely unhealthy for youth because it can be extremely harmful to the developmental process in the youths brain and nicotine causes changes in the brains synapses which are built faster than the adults brain (1). Most e cigs contain nicotine and nicotine use in adolescence may further the risk for future addiction to drugs (1). There are many carcinogenic chemicals used in the production of e-cigs including cancer-causing compounds and heavy metals such as nickel, tin, and lead (1).

Many vaping products come with or are used with flavor additives such as candy flavorings. These flavorings are targeted at making nicotine products familiar to youth and make the vaping product more palatable to taste than traditional burning tobacco products which are restricted by the 2009 Family Smoking Prevention and Tobacco Control Act which banned fruit and candy flavorings in cigarettes but did not include smokeless tobacco products like chew and e-cigs.

As of January 2020 the Trump administration has enacted a ban on the flavoring of e-cigarettes which use pre filled cartridges but does not include tank based systems where users fill their own nicotine and flavor mixturing(2). Furthermore, mentol pre-filled vaping devices are excluded from the ban (2) . According to the National Institute on Drug Abuse 66% of teens vape only flavoring (2). Banning pre-filled e-cig products will have little effect when teens can still get ahold of products that contain flavored vaping products like fillable tank systems.

Hawaii needs to further the Trump administration's efforts to reduce the increasing number of underage children who use vaping products. Hawaii needs to ban all flavored vaping products in the state to fight the epidemic of underage teen vaping.

Sincerely,

Ramie P.H. Santiago, B.S.  
1614 Emerson Street # 5  
Honolulu, Hawaii 96813

Resources

1. Center for Disease Control and Prevention(2019). Smoking and Tobacco Use
2. MarketWatch.(2020). Federal Government Bans Popular E-cigg Flavors to the Curb.
3. NIH National Institute on Drug Abuse.(2015). Teens and E-cigs.

Testimony to House Committee on Lower & Higher Education AND  
Committee on Health

Tuesday, February 11, 2020; 2:00 pm.  
State Capitol, Conference Room 309

Dear Chair Woodson, Chair Mizuno, and Joint Committee Members,

I **support** HB 1956: RELATING TO TOBACCO.

Tobacco killed my husband last March from smoking. He ended up dying from COPD and had lung cancer. He suffered greatly before he passed away and died an early death.

We have 6 grandchildren that I don't want to have the same fate as their grandfather. Our keiki are a vulnerable group and must be protected. Don't make it easy for electronic smoking devices to get into the hands of our kids from accessibility online and for being cheap to buy.

Please pass HB 1956 to save our children for the future.

Sincerely,

Jennifer Hausler  
Pearl City, 96782



Date: February 11, 2020  
To: The Honorable Justin H. Woodson, Chair  
Mark J. Hashem, Vice Chair  
Sean Quinlan, Vice Chair  
Members of the Committee on Lower and Higher Education

The Honorable John M. Mizuno, Chair  
Bertrand Kobayashi, Vice Chair  
Members of the Committee on Health

From: Ruthie Diaz, BSW  
[rddiaz@hawaii.edu](mailto:rddiaz@hawaii.edu)  
Honolulu, HI 96813

Re: Support for HB 1956: RELATING TO TOBACCO

Hearing: Tuesday, February 11, 2020 at 2:00 pm at Conference Room 309

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Thank you for the opportunity to submit testimony in **SUPPORT** of HB 1956: RELATING TO TOBACCO

I am a non-traditional student at the University of Hawai'i, Mānoa, and completing the master's degree at the Myron B. Thompson School of Social Work. As a full-time student, social work practicum student, and a part-time employee, I have opportunities to engage with the communities at the University of Hawai'i as well as the Oahu community working with individuals and families. Most importantly, I am a mother of two children, ages five and an 11. I care deeply for my children as well as all the youth of Hawai'i, and prevention is key to many health risks.

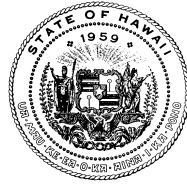
Although there are various stories that I have encountered with electronic nicotine delivery systems ENDS and vape products, the one I can recall involves my four-year-old son. I live in a condominium with a wraparound lanai that welcomes cool trade wind breezes on most days. Because of this, my lanai doors are always wide open. My home is a smoke-free building, which should eliminate such behaviors and provide clean air for my family. However, addictive behaviors will often lead to the disregarding of such rules. Neighboring units smoking on their lanai lead to clouds of smoke to travel down to my family's unit. My four-year-old smelled the strawberry flavors and savored it. Luckily, he spoke out loud and mentioned that it smells like candy. I knew what it was, and I had no choice but to report it to our building management and close my lanai door. I realized that the smell of such flavors was very enticing to my four-year-old, and had I not stopped him, he would have continued to inhale the vape products contaminating our fresh air. This was a teaching moment for my older child about the health risk and the inconvenience it causes other people and families, but not necessarily to a four-year-old. This experience allowed me to see how dangerously enticing these ENDS flavors to even the youngest children. It made me aware of how normalized use or even continued exposure to ENDS and vape products may lead to experimentation and subsequent addiction.

Bill HB1956, if enacted, it will prevent many health problems that are related to electronic nicotine delivery systems (ENDS) and vape products. The increasing youth vaping epidemic, particularly in Hawai'i, is due to the lack of regulation pertaining to ENDS, enticement to youth using candy-flavored vape products as well as communities and social behaviors among youth normalizing the use of these items.

The opposition's argument that the use of ENDS and vape products is successful as a smoking cessation product has not been proven true, nor is it FDA approved. A study conducted in 2016 by Garcia-Arcos *et al.*, concluded that mice who were exposed to aerosolized nicotine-free and nicotine-containing e-cigarette fluid "triggered effects normally associated with the development of COPD including cytokine expression, airway hyper-reactivity, and lung tissue destruction" (Garcia-Arcos et al., 2016). The medically proven and documented health risks and addictive behaviors of ENDS and vaping outweighs the unsubstantiated arguments of successful cessation for existing smokers.

The continuous use and exposures of the harmful products to minors may cause addiction, lead to dual use of combustible cigarettes and vape products, and damage to the developing adolescent brain. The banning of flavored tobacco products is an imperative next step in tobacco control if HB1956 becomes law.

Garcia-Arcos, I., Geraghty, P., Baumlin, N., Campos, M., Dabo, A. J., Jundi, B., ... Foronjy, R. (2016). Chronic electronic cigarette exposure in mice induces features of COPD in a nicotine-dependent manner. *Thorax*, 71(12), 1119–1129. doi: 10.1136/thoraxjnl-2015-208039



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**LATE**

**Testimony COMMENTING on H.B. 1956  
RELATING TO TOBACCO**

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR  
HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

REPRESENTATIVE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 11, 2020

Room Number: 309

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) provides comments on House Bill  
3 1956 (H.B. 1956) and defers to the Department of Education (DOE) regarding addressing the  
4 consequences for underaged use of tobacco on school property or at school functions.

5 The DOH does not recommend amending the title in Hawaii Revised Statutes (HRS),  
6 §302A-102, "Smoking prohibited" to "Tobacco use prohibited." As noted on the bottom of  
7 [§302A-102, HRS](#), "smoking," is defined in Chapter 328J, HRS. Smoke or smoking is defined  
8 as, ". . . inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant  
9 product intended for inhalation in any manner or in any form. "Smoking" includes the use of an  
10 electronic smoking device."

11 H.B. 1956 proposes that person under eighteen who uses tobacco at a public school or  
12 public school function, attend a tobacco education course accompanied by their parent or  
13 guardian. The parent or guardian must pay twenty-five dollars to offset the cost of the course.  
14 This type of legal remedy is referred in tobacco prevention research as purchase, use, or  
15 possession (PUP) laws, and are not an effective means of reducing youth tobacco use.<sup>1</sup> To date,

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<sup>1</sup> Campaign for Tobacco-Free Kids. Youth Purchase, Use, or Possession Laws Are Not Effective Tobacco Prevention. 2018. Retrieved from <https://www.tobaccofreekids.org/assets/factsheets/0074.pdf> on February 7, 2020.

1 the association between harsh or remedial consequences for youth violations and associations  
2 with student self-reported use of smoking is found to be weak.<sup>2</sup> PUP provisions shift  
3 responsibility away from the tobacco industry and onto young consumers.<sup>3</sup> These laws also  
4 stigmatize youth who smoke, whereas the tobacco industry spends millions of dollars  
5 deliberately targeting them via promotion and advertising.<sup>4</sup> Psychologists have found that  
6 punishment is not an optimal strategy for behavior change, and even less effective for addictive  
7 behaviors.<sup>5</sup> Lastly, PUP laws are found to be inequitable. They disproportionately affect low  
8 income communities, youth of color, LGBT youth, youth with disabilities, and boys.<sup>6</sup> Instead,  
9 policies that place responsibility on retailers, youth cessation and education programs, and other  
10 tobacco product regulations (e.g. price and flavor restrictions) are proven to be more effective  
11 than punitive PUP laws.<sup>7</sup> In Hawaii, cigarette smoking rates for Hawaii high school students  
12 declined 71 percent from 2000 to 2017 without PUP laws.<sup>8</sup>

13       Regarding violations of school tobacco policies, the DOH supports the DOE’s approach  
14 to disciplinary action that emphasizes interventions to teach students appropriate behaviors and  
15 supports the adoption of curriculum in tobacco education and prevention. The DOH and DOE  
16 are committed at the leadership level to coordinate on electronic smoking device (ESD)  
17 prevention activities and to share resources that can be used within standards-based health  
18 education, such as the [Stanford Tobacco Prevention Toolkit](#) and Hawaii-based materials created  
19 for educators and parents.

20       Thank you for the opportunity to testify.

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<sup>2</sup> The impact of school tobacco policies on student smoking in Washington State, United States and Victoria, Australia. - PubMed—NCBI. (n.d.). Retrieved February 7, 2020, from <https://www.ncbi.nlm.nih.gov/pubmed/20616998>

<sup>3</sup> ChangeLab Solutions. PUP in Smoke: Why youth tobacco possession and use penalties are ineffective and inequitable. Fact Sheet retrieved January 31, 2020 from <https://www.changelabsolutions.org/product/pup-smoke>

<sup>4</sup> Ibid.

<sup>5</sup> Volkow ND, Baler RD, Goldstein RZ. Addiction: pulling at the neural threads of social behaviors. *Neuron*. 2011;69(4):599-602.

<sup>6</sup> ChangeLab Solutions. PUP in Smoke: Why youth tobacco possession and use penalties are ineffective and inequitable. Fact Sheet retrieved January 31, 2020 from <https://www.changelabsolutions.org/product/pup-smoke>

<sup>7</sup> ChangeLab Solutions. PUP in Smoke: Why youth tobacco possession and use penalties are ineffective and inequitable. Fact Sheet retrieved January 31, 2020 from <https://www.changelabsolutions.org/product/pup-smoke>

<sup>8</sup> Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018 Tobacco Landscape: Honolulu, Hawaii State Department of Hawaii, Chronic Disease Prevention and Health Promotion Division.



10 February 2020

**LATE**

**Re: Testimony in Support to HB1956  
Relating to Tobacco**

Dear Members of the Committee:

Blue Zones Project – Hawai'i supports this bill for the following reasons:

HB1956 would require people under the age of 21 that are caught using tobacco products at schools or school functions to take a tobacco education course. If they are under 18, a parent or guardian would need to accompany them to the course. The tobacco education course would need to be approved by the Department of Health that integrates best practices for tobacco cessation.

Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make Hawaii a healthier, happier place to live, work and play. To accomplish that goal, we work with people, places, and polices in areas of well-being including better access to our natural and built environment resources.

Blue Zones Project has worked with our community partners statewide since 2012. Initiatives such as this slow down the progress our many partners have made to make the communities, we live in even better healthier places to live, work and play.

Blue Zones Project strongly supports this bill and asks that it be accepted.

Please contact me with any questions at [Crystal.Robello@Sharecare.com](mailto:Crystal.Robello@Sharecare.com).

Sincerely,

*Crystal Robello*

Community Engagement Lead  
Blue Zones Project – Hawai'i

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Policy-HB1956\_HB1956\_96499

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[bluezonesproject.com](http://bluezonesproject.com)

**LATE**

**HB-1956**

Submitted on: 2/10/2020 2:45:04 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Colby Takeda	Individual	Support	No

Comments:

There's currently a disconnect between the facts about tobacco and related products and public perception. Focused, well-developed courses for youth can help to shift these misconceptions and change behaviors.

**LATE**

**HB-1956**

Submitted on: 2/10/2020 4:10:29 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Orozco	Individual	Oppose	No

Comments:

**LATE**

**HB-1956**

Submitted on: 2/10/2020 4:51:04 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tammy Young	Individual	Oppose	No

Comments:



**LATE**

**HB-1956**

Submitted on: 2/11/2020 6:56:35 AM  
Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jake J. Watkins	Individual	Oppose	No

Comments:

This bill is an excessive waste of time.

**LATE**

**LATE**

**HB-1956**

Submitted on: 2/11/2020 8:31:58 AM

Testimony for LHE on 2/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea	Individual	Support	No

Comments:

**2/11/2020**

Dear Members of the Committee,

**My name is Andrea Snow, and I live and work on Maui. I lost my grandfather and aunt to lung cancer, so I understand how smoking and lung disease devastates families. My grandfather was so addicted to nicotine, he continued to secretly smoke after having part of a lung removed.**

**I am in support of HB1956, because laws that penalize youth for purchasing, use or possession, of tobacco products or electronic smoking devices do not work. Nor are they fair, because young people are specifically targeted by tobacco companies and enticed through advertising to try smoking. Punishing kids for falling victim to a multi-billion dollar industry who is trying to convince them to buy addictive products is not good policy. More kids will be enticed to buy these products as long as they are aggressively advertised and easily available. In fact, studies have shown that punitive punishments for possession make it more attractive to risk-seeking teenagers, and protecting each other from being caught builds a community around smoking, increasing the likelihood they will bond over their shared addiction and continue smoking.**

**Providing evidence-based, well-taught cessation education to kids caught with tobacco or vaping products, and their parents, is a much better solution. Ideally, education for youth who succumb to the predatory marketing of tobacco and vape companies would be combined with higher taxes on and the regulation of these companies to prohibit advertising and sales to youth.**

**Please pass HB1956 to provide education to youth caught smoking or vaping. Unlike punitive possession laws, cessation education will stop kids from getting addicted to nicotine for life, not just slap them on the wrist for getting caught.**

Thank you,

Andrea Snow

**LATE**

**LATE**

**HB-1956**

Submitted on: 2/11/2020 2:12:13 PM

Testimony for LHE on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Owens	Individual	Oppose	No

Comments: