



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to S.B. 3200
RELATING TO SMOKING

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 14, 2024

Room Number: Conference Room 225
and Videoconference

1 **Fiscal Implications:** The fiscal impacts of establishing a Smoking Sensor Rebate Program, under
2 the Department of Health (DOH) is roughly calculated at \$52,323,311 based on the following:

- 3 1. Annual personnel cost with fringe of \$412,511 for three program specialists and
4 accountant.
5 2. Rebates are estimated to cost \$51,910,000 based on \$300 per device and 173,036
6 condominium units reported in 2021. Rebate does not include installation and annual
7 software subscription fee per device.

8 **Department Position:** The DOH opposes this measure.

9 **Department Testimony:** The DOH respectfully opposes Senate Bill 3200 (S.B. 3200) that would
10 establish a smoking sensor rebate program within the DOH to incentivize the installation of
11 smoking sensors to detect smoking within smoking-prohibited areas. There is no scientific
12 evidence for installing smoking sensors to deter tobacco use and is not a recommended public
13 health policy.

1 The most effective way to address the problem of eliminating exposure to secondhand
2 smoke (SHS) is by enacting 100% smoke-free policies. The World Health Organization
3 recommends that workers and the public should be protected from exposure to SHS through
4 100% smoke-free environments.¹ The 2014 Surgeon General’s report also endorses laws and
5 policies that create indoor smoke-free public and work places.² The Report also calls for
6 extension of comprehensive smoke-free policies to cover the entire U.S. population.³
7 According to the American Society of Heating, Refrigeration, and Air-Conditioning Engineers
8 (ASHRAE), the professional entity that sets international standards for air quality, the only way
9 to eliminate health risks associated with indoor smoking is to ban smoking activity.⁴ Smoke-
10 free policies were even found to increase the number of smokers who quit as well as prevented
11 youth from starting.⁵

12 The activities proposed in S.B. 3200 and the proposed Senate Draft 1 take away funding
13 from proven public health strategies to reduce smoking such as promoting and protecting the
14 existing smoke-free policies in Chapter 328J, Hawaii Revised Statutes (HRS), and helping people
15 who smoke to quit. Comprehensive smoke-free policies to eliminate exposure to SHS are an
16 evidence-based approach to protect public health and these policies in [Chapter 328J, HRS](#) are
17 already in place in Hawaii. Other proven policies put forward in the Governor’s Package to

¹ World Health Organization, Protection from Exposure to Secondhand Tobacco Smoke: Policy Recommendations, WHO Press, 2007,

http://www.who.int/tobacco/resources/publications/wntd/2007/who_protection_exposure_final_25June2007.pdf.

² U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

³ U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁴ American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), “ASHRAE Position Document on Environmental Tobacco Smoke,” Approved by ASHRAE Board of Directors October 22, 2010, Reaffirmed by ASHRAE Technology Council June 25, 2013, <https://www.ashrae.org/about-ashrae/position-documents>

⁵ Guide to Community Preventive Services. Reducing tobacco use and secondhand smoke exposure: smoke-free policies. www.thecommunityguide.org/tobacco/smokefreepolicies.html. Updated November 2012.

1 reduce smoking include H.B. 2504 to raise the price of cigarettes which was heard by the House
2 Health Committees on Health and Homelessness and Higher Education and Technology, and
3 H.B. 2441 to restrict the sale of flavored tobacco which was not scheduled for hearing. The
4 DOH also recommends resources for smoke-free multi-unit dwelling through the Americans
5 Nonsmokers' Rights Foundation: [https://no-smoke.org/resources-tools-smokefree-multi-unit-](https://no-smoke.org/resources-tools-smokefree-multi-unit-housing/)
6 [housing/](https://no-smoke.org/resources-tools-smokefree-multi-unit-housing/).

7 While there is no safe level of exposure to SHS; even small amounts can cause serious
8 harm to health,^{6,7,8} the installation of smoking sensors is not a scientifically supported strategy
9 to eliminate exposure to SHS. The DOH respectfully opposes S.B. 3200 and recommends
10 continued endorsement and implementation of comprehensive smoke-free and prevention
11 policies as public health best practice to reduce SHS exposure and tobacco use.⁹

12 **Offered Amendments:** None

13 Thank you for the opportunity to testify on this measure.

⁶ U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁷ U.S. Department of Health and Human Services. [A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

⁸ U.S. Department of Health and Human Services. [The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

⁹ *Tobacco: Smoke-Free Policies | The Community Guide*. (2023, June 5).
<https://www.thecommunityguide.org/findings/tobacco-use-smoke-free-policies.html>

SB-3200

Submitted on: 2/13/2024 8:22:12 PM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Pedro Haro	Testifying for American Lung Association in Hawaii	Support	Written Testimony Only

Comments:

- **Secondhand smoke causes approximately 7,330 deaths** from lung cancer and 33,950 deaths from heart disease each year.
- · Between 1964 and 2014, 2.5 million people **died from exposure to secondhand smoke**, according to the 2014 report from the U.S. Surgeon General. The report also concluded that secondhand smoke is a definitive cause of stroke.
- · There is **no risk-free level of exposure to secondhand smoke** and even short-term exposure potentially can increase the risk of heart attacks.
- · Secondhand smoke contains **hundreds of chemicals known to be toxic or carcinogenic**, including formaldehyde, benzene, vinyl chloride, arsenic ammonia and hydrogen cyanide.
- · Secondhand smoke **can cause heart attacks**; even relatively brief exposure can trigger a heart attack, according to a report by the

SB-3200

Submitted on: 2/12/2024 4:29:27 PM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	Written Testimony Only

Comments:

We are opposed to this bill. Any detector sensitive enough to go off on a little bit of tobacco smoke will be going off all the time just for normal stovetop cooking activity. A massive disruption to the lives of residents and their neighbors. Yes airplane bathrooms have these, but remember there is no stove top cooking or oven baking on airplanes.

Furthermore, the alarms will be used to violate the right to privacy of smokers and non-smokers alike.

In March of 2022, I purchased my first home, a Condo here in Hawaii and it was important to me that the building had been non-smoking for over 10 years. I also saw no mention of any smoking complaints within the Board Meeting minutes before purchasing the condo. Unfortunately, the reality was far different. Many tenants (both owners and renters) were smoking regularly within their units and no fines were being issued. Many others had been complaining about the smoke for years and nothing was being done.

I personally have made over 100 phone calls to security regarding cigarette, vape, and marijuana smoke entering my apartment. It became unbearable when one smoker was smoking at 2 am and then again at 4 and 5 am waking me up several times a night. The smoke gave me headaches making it impossible for me to get a full night's sleep. I am a pilot for a local cargo company and the sleep deprivation and headaches were a major concern for my own safety as well as my crew. I lost roughly \$10,000 of income, and paid another \$6,000 to change my unit to block out the smoke, which didn't work.

I did everything imaginable to try to rectify the problem. I regularly met with other owners with the same problem, I talked with the police, state & federal representatives, the American Cancer Society, the American Lung Association, Jill Tamashiro with the Tobacco Prevention & Control Section at the Hawai'i State Department of Health, and submitted a 42-page RICO report to the DCCA detailing the issue. I spoke publicly at 4 board meetings and even insisted on an emergency meeting specifically on the topic of smoking which became standing-room only due to the number of owners that attended. I even ran for the board. I provided the board with lists of ideas including the cigarette smoke detectors that I researched. I saw that these cigarette smoke detectors were the only real way of solving the problem. Low-paid security guards were not able to even identify the smokers, let alone do anything about it. The board and the Association's attorneys offered no remedy as well. My only options were to sue the Association or move and neither were in anyone's best interest.

The truth is that every person I've spoken to has a story about having to live in an adjacent apartment with a smoker which led to them move. One friend had a newborn, another who was recovering from cancer, and another who has emphysema. We have no-smoking laws for a reason, but we have NO WAY of actually enforcing these laws. The only solution is for non-smoking buildings to install these cigarette smoke detectors so that people can live in peace. Not being able to sleep in a condo I purchased was one of the most stressful times of my life. It was excruciating. No person should have to live like that.

The smoke detectors are low-cost, low-maintenance, and are easily plugged into a standard outlet. The technology is advanced so that even credit-card companies accept it as evidence so that hotels can charge customers for smoking fees. There is no good reason why every condo doesn't have these installed.

Secondhand smoke kills over 40,000 people a year. The US Surgeon General stated that there are **NO** safe levels of Secondhand smoke. Please support this bill so we can finally enforce non-smoking buildings.

- **Secondhand smoke causes approximately 7,330 deaths** from lung cancer and 33,950 deaths from heart disease each year.
- Between 1964 and 2014, 2.5 million people **died from exposure to secondhand smoke**, according to the 2014 report from the U.S. Surgeon General. The report also concluded that secondhand smoke is a definitive cause of stroke.
- There is **no risk-free level of exposure to secondhand smoke** and even short-term exposure potentially can increase the risk of heart attacks.
- Secondhand smoke contains **hundreds of chemicals known to be toxic or carcinogenic**, including formaldehyde, benzene, vinyl chloride, arsenic ammonia and hydrogen cyanide.
- Secondhand smoke **can cause heart attacks**; even relatively brief exposure can trigger a heart attack, according to a report by the Institute of Medicine.

*American Lung Association - lung.org

SB-3200

Submitted on: 2/12/2024 3:22:58 PM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Wheelock	Individual	Support	Written Testimony Only

Comments:

To the Honorable Senator Fukunaga,

I am writing to ask you and your committee to please hear SB 3200 - related to smoking.

I live in a smoke-free condominium. There have been innumerable incidences of violations of our smoke-free ordinance by residents, with subsequent complaints to security, staff, our resident manager, board of directors and management company (Hawaiiana). However, the violater must be "caught in the act" of smoking/vaping and you can surely understand the difficulty of that.

A rebate for installing smoke sensors will make it easier to have the sensors installed which will then be a step toward cutting down on violations of our smoke-free ordinance. Sensors have the ability to both act as a deterrent in their own right and to help determine the identity of violators.

Please hear SB 3200 and pass it out of your committee - continue the ball rolling!

Thank you.

Sincerely,

Anne Wheelock

SB-3200

Submitted on: 2/13/2024 4:42:49 PM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

SB-3200

Submitted on: 2/13/2024 7:18:42 AM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Anton	Individual	Oppose	Written Testimony Only

Comments:

We have a right to privacy.

SB-3200

Submitted on: 2/13/2024 5:44:19 PM

Testimony for HHS on 2/14/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

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Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging
& Community Living

Public Health Workforce
Development

Date: February 14, 2024

To: Senator Joy A. SanBuenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair
Members of the Committee on Health & Human Services

Re: Comments SB3200, Relating to Smoking

Hrg: Thursday, February 14, 2024 at 1:01 PM

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute,ⁱ is providing **COMMENTS on SB3200**, which establishes a Smoking Sensor Rebate Program under the Department of Health. This pilot project would offer a rebate for installation of smoking sensors to detect smoking within smoking-prohibited areas in AOAOs.

The Coalition strongly supports smoke-free multi-unit housing policies that reduce exposure to secondhand and thirdhand smoke.

Every year, the Coalition receives calls from residents who reside in multi-unit housing and who have asthma and other health issues affected by secondhand smoke exposure in their homes. If the building does not have a smoke-free policy in place, often the only option is to ask the person smoking to voluntarily stop.

The Coalition offers technical assistance and education to buildings seeking to adopt and implement a smoke-free policy. The main barrier to smoke-free policies is that for condominiums, this can involve changing the bylaws, which require a vote or written consent of at least 67% of all unit owners. These bylaw amendments can fail not from lack of support (often the majority of returned votes are in support of the smoke-free policy), but because not enough owners return the ballot in time.

The key to a successful smoke-free policy is that the work does not end once the policy is passed.

Implementation and education of the policy must be ongoing, and enforcement must be timely and consistent. There are many strategies buildings can use to increase awareness and compliance with smoke-free policies instead of punitive measures.

- Upon the adoption of a new smoke-free policy, host town halls or information sessions with residents.
- Post signage reminding residents, staff, and guests of the smoke-free policy.
- Include reminders in regular communications, such as newsletters, bulletin boards, etc.

- Include the smoke-free policy in leases and inform new residents when they move in about the smoke-free policy. Something as simple as attaching a keychain that says “This Home is Smoke-Free” to keys as they are given to new residents can act as a subtle, low-cost reminder.
- Offer information on quit smoking resources and services, such as the Hawai‘i Tobacco Quitline or other local cessation providers.

Enforcement of smoke-free policies should be the same as any other AOA policy or rule.

Smoke-free policies can and should be enforced like any other policy, such as noise complaints. There are several ways associations can demonstrate swift and consistent enforcement of policies without knowing the origination of the smoke:

- Consistent communications on the smoke-free policy such as reminders on community bulletin boards.
- Security or management immediately visiting adjacent units, to alert the resident about the complaint and remind them about the smoke-free policy.
- Notifying the occupants in adjacent units and floors of the complaint origin through direct communications, such as letters, that residents have noticed secondhand smoke drifting into their units, and remind them of the smoke-free policy.

These are all lower-cost options that promote voluntary compliance instead of punitive action, provide education, and support lines of open communication.

Thank you for this opportunity to submit these comments on SB2300.

Mahalo,



Peggy Mierzwa
Director of Policy & Advocacy
Hawai‘i Public Health Institute

ⁱ 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.