



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to H.B. 2276
RELATING TO SMOKING

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

REPRESENTATIVE LISA MARTEN, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: February 9, 2024

Room Number: Conference Room 329
and Videoconference

1 **Fiscal Implications:** The fiscal impact of establishing a Smoking Sensor Rebate Program, under
2 the Department of Health (DOH) have not been determined, however funding would be needed
3 for program administration and management.

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

5 **Department Testimony:** The DOH respectfully opposes House Bill 2276 (H.B. 2276) that would
6 establish a smoking sensor rebate program within the DOH to incentivize the installation of
7 smoking sensors to detect smoking within smoking-prohibited areas.

8 The most effective way to address the problem of eliminating exposure to secondhand
9 smoke (SHS) is by enacting 100% smoke-free policies. The World Health Organization
10 recommends that workers and the public should be protected from exposure to SHS through

1 100% smoke-free environments.¹ The 2014 Surgeon General’s report also endorses laws and
2 policies that create indoor smoke-free public and work places.² The Report also calls for
3 extension of comprehensive smoke-free policies to cover the entire U.S. population.³
4 According to the American Society of Heating, Refrigeration, & Air-Conditioning Engineers
5 (ASHRAE), the professional entity that sets international standards for air quality, the only way
6 to eliminate health risks associated with indoor smoking is to ban smoking activity.⁴ Smoke-
7 free policies were even found to increase the number of smokers who quit as well as prevented
8 youth from starting.⁵

9 There is no scientific evidence for installing smoking sensors to deter tobacco use and is
10 not a recommended public health policy. Comprehensive smoke-free policies to eliminate
11 exposure to SHS are an evidence-based approach to protect public health and these policies in
12 [Chapter 328J, Hawaii Revised Statutes](#) are already in place in Hawaii. Other proven policies put
13 forward in the Governor’s Package to reduce smoking include H.B. 2054 to raise the price of
14 cigarettes which was heard by the House Health Committees on Health and Homelessness and
15 Higher Education and Technology, and H.B. 2441 to restrict the sale of flavored tobacco which
16 was not scheduled for hearing.

¹ World Health Organization, Protection from Exposure to Second-hand 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 While there is no safe level of exposure to SHS; even small amounts can cause serious
2 harm to health,^{6,7,8} the installation of smoking sensors is not a scientifically supported strategy
3 to eliminate exposure to SHS. The DOH respectfully opposes H.B. 2276 and recommends
4 continued endorsement and implementation of comprehensive smoke-free and prevention
5 policies as public health best practice to reduce SHS exposure and tobacco use.⁹

6 **Offered Amendments:** None

7 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>

HB-2276

Submitted on: 2/8/2024 10:22:34 AM

Testimony for HLT on 2/9/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaili	Individual	Support	In Person

Comments:

i am in srtong support this bills beacuse i have a health condation if someone smoking in the area that there not be sasposed to be smoking and i would be posible that they more enforement on no smokeing ban at the transit center or bus stops please pass this bill thank you.

HB-2276

Submitted on: 2/8/2024 8:52:10 AM

Testimony for HLT on 2/9/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

I am in support of HB2276.

Kristin Mills

HB-2276

Submitted on: 2/8/2024 8:08:24 PM

Testimony for HLT on 2/9/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Meira Leonard	Individual	Support	Written Testimony Only

Comments:

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 moving. 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

HB-2276

Submitted on: 2/8/2024 4:55:58 PM

Testimony for HLT on 2/9/2024 8:30:00 AM

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

Comments:

I am a resident of Nu‘uanu Brookside, a smoke-free condominium. There have been many instances of residents smoking/vaping in their individual apartments and adversely affecting neighboring residents. The offending resident must be "caught in the act" with documentation; you can imagine how difficult that is.

Please support HB 2276 and pass it on further. Having smoking sensors in smoke-prohibited areas may act as a deterrent and could aid in pinpointing the location of the offender(s).

Residents need some recourse - people may have purposely chosen a smoke-free building only to find out that the ban on smoking is virtually unenforceable without "proof".

Mahalo nui for your kind attention to this important matter.