

## PEA Committee

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**From:** Katie Folio <katie@hiphi.org>  
**Sent:** Tuesday, January 02, 2018 12:20 PM  
**To:** PEA Committee  
**Subject:** Testimony in STRONG SUPPORT of PEA-41 - Prohibiting Smoking in Vehicles When Persons Under the Age of Eighteen are Present  
**Attachments:** CTFH Testimony in support of PEA-41.pdf

Aloha and happy new year!

Please find my testimony in strong support of PEA-41 attached. I will also deliver oral testimony at the committee meeting on Thursday.

Mahalo nui loa!

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To: The Honorable Yuki Lei Sugimura, Chair  
The Honorable Stacy Crivello, Vice Chair  
Honorable Members of the Maui County Council Policy, Economic Development, and  
Agriculture Committee

Fr: Katie Folio, Community Coordinator for the Maui, Molokai, and Lana'i Coalition for a  
Tobacco-Free Hawai'i

Date: January 2, 2018

Re: STRONG SUPPORT for PEA-41, Prohibiting Smoking in Vehicles When Persons Under the  
Age of Eighteen are Present

Hrg: January 4th, 2018 at 1:30 pm at Council Chambers, Kalana O Maui Building, 200 S High  
Street – 8<sup>th</sup> floor

Aloha. My name is Katie Folio and I am submitting this testimony on behalf of the Maui, Molokai, and Lana'i Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Institute, in strong support of PEA-41, which would prohibit smoking in vehicles when persons under the age of 18 are present. We are a non-profit organization working to create a healthy Hawai'i through comprehensive tobacco prevention and control efforts in order to reduce tobacco-use in the State of Hawai'i. The Coalition and it's many partners strongly support this measure, as it is a positive step towards protecting the *keiki* of Maui County.

Please, imagine a box the size of your office desk. Imagine someone smoking in that box. Even allowing for some windows and ventilation, would you want to be in that box? Would you want your kid in the box? Would you want any kid in Maui County to be in that box?

Exposure to secondhand smoke is dangerous for children, whose lungs and immune systems are still developing. Every time a child breathes in secondhand smoke, they breathe in thousands of chemicals. Secondhand smoke in cars is ten times more concentrated than the level considered unhealthy by the EPA, and studies have found that the concentration of secondhand smoke in cars can exceed the levels found in homes and bars by 10 to 100 times. Children exposed to secondhand smoke have increased risk of Sudden Infant Death Syndrome, ear and respiratory infections, and more frequent and more severe asthma attacks. Secondhand smoke also causes damage to a child's cognitive functions due to alterations in the activity of the central nervous system. And, of course, secondhand smoke is a known cause of lung cancer.

**I also request that you please include electronic smoking devices** in this law. The Surgeon General reported last year that, “E-cigarette aerosol is not harmless. It can contain harmful and potentially harmful constituents including nicotine. Nicotine exposure during adolescence can cause addiction and can harm the developing adolescent brain” (E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016). With nearly 33% of Maui County’s high school students currently vaping, one of the highest youth use rates in the country, it is crucial that we include electronic smoking devices in all of our smoking laws and combat the normalization of their use. We need to protect our kids from the dangers of secondhand aerosol emissions, and protect them from becoming the next generation of nicotine addicts.

In the past, Maui County has enacted strong laws to protect the public’s health, including our Tobacco-Free Beaches and parks law passed in 2014. Maui County is creating an environment where healthy behaviors are the norm, ensuring that our children see and adopt healthy behaviors for themselves.

We have strong community support for this ordinance. Our 2016 poll showed that **83%** of Maui County residents support a law that would prohibit smoking in vehicles when a minor is present. Nine countries, eight U.S. states, and numerous municipalities and counties throughout our nation have passed legislation to protect children from secondhand smoke in vehicles, including the counties of Hawai’i Island, Kaua’i, and Oahu, leaving Maui County the only county in the state of Hawai’i without these protections in place for our kids.

Leading medical associations including the American Academy of Pediatrics, and major health advocacy organizations including the American Lung Association, have concluded that public policies are needed to protect nonsmokers, particularly children and youth, from exposure to tobacco smoke in vehicles. Studies consistently show that smoke-free policies decrease exposure to secondhand smoke by 80 to 90 percent in high exposure settings such as cars and can lead to widespread decreases in exposure of up to 40 percent.

One concern we sometimes hear is that measures such as these infringe on personal rights. However, smokers are not recognized as a specially protected group under our constitution, and there is no constitutional right to smoke. The right to health, however, is a right recognized by the World Health Organization. Kids have the right to breathe clean air. Unfortunately, we need laws like this one to protect our keiki’s right to health.

Courts have also held that the right to privacy is not absolute. Even in private settings, there is no constitutional right to smoke. The Government’s authority to regulate smoking is clear, and a law that regulates smoking or exposure to secondhand smoke will be found constitutional if it is rationally related to a legitimate government purpose. Regulation of conduct in vehicles is common in society and is justified by the government’s interest in protecting the public’s and children’s health and safety. The legitimacy of such laws is widely accepted. The government has authority to regulate smoking in vehicles to protect the health of children and adults.

Finally, while the tobacco industry would like you to forget this fact, smoking remains the *number one* cause of preventable disease, disability, and premature death *in the world*. Every time you pass laws to protect our community and our kids from the tobacco industry, you save lives. So please keep passing bills like this one to protect our keiki. Please pass PEA-41 out of Committee to prohibit smoking – and the use of electronic cigarettes - in motor vehicles when a minor is present.

Mahalo nui loa for the opportunity to provide testimony.