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# A BILL FOR AN ACT

RELATING TO THE REDUCED IGNITION PROPENSITY CIGARETTE PROGRAM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii enacted a  
2 reduced ignition propensity cigarette law effective on  
3 September 30, 2009. As stated in section 132C-1, Hawaii Revised  
4 Statutes, "the intent of this law is to require that only  
5 reduced ignition propensity cigarettes be sold in the State."

6           As required by section 132C-4(a), Hawaii Revised Statutes,  
7 "[e]ach manufacturer shall submit to the state fire council  
8 written certification attesting that each cigarette has been  
9 tested in accordance with, and has met the performance standard  
10 required under section 132C-3. . . . Each cigarette certified  
11 under this subsection shall be recertified every three years.  
12 For each cigarette listed in a certification, a manufacturer  
13 shall pay to the state fire council a \$375 fee to be deposited  
14 into the reduced ignition propensity cigarette program special  
15 fund under section 132C-9[, Hawaii Revised Statutes]. The state  
16 fire council is authorized to annually adjust this fee to ensure  
17 it defrays the actual costs of the administration and staffing



1 requirements and processing, testing, enforcement, inspection,  
2 and oversight activities required by this chapter."

3       In 1979, the legislature abolished the state fire marshal's  
4 office and created the state fire council, which is composed of  
5 the four county fire chiefs and administratively attached to the  
6 department of labor and industrial relations. The goal of the  
7 state fire council is to develop and maintain a comprehensive  
8 fire service emergency management network for the protection of  
9 life, property, and the environment throughout the State of  
10 Hawaii. The state fire council is tasked with reviewing and  
11 adopting the state fire code, providing administrative oversight  
12 of the reduced ignition propensity cigarette program, providing  
13 assistance with the application and administration of federal  
14 grants for the fire service, assisting and coordinating with the  
15 statewide delivery of fire training programs, coordinating the  
16 collection of fire data, and supporting contingency planning  
17 needs for fire fighters. The state fire council may establish  
18 statewide qualifications for testing, certifying, and  
19 credentialing individuals who perform maintenance and testing of  
20 portable fire extinguishers, fire protection systems, and fire  
21 alarm systems. The state fire council may also advise the



1 Governor and the legislature on matters related to fire  
2 prevention, fire protection, and life safety. The state fire  
3 council is a voting member of the state building code council,  
4 whose responsibilities are delineated in section 107-24, Hawaii  
5 Revised Statutes.

6 From its inception until 2001, the state fire council had  
7 no funding for staff to fulfill its responsibilities. The state  
8 fire council relied upon county personnel to perform the state  
9 fire council's duties along with the state fire council's normal  
10 functions within each county's fire department. In 2001, the  
11 governor directed the department of labor and industrial  
12 relations to allocate \$35,000 into its budget to fund the first  
13 part-time employee. In 2011, an additional \$71,000 was  
14 appropriated by the legislature to hire two additional  
15 personnel. With the transfer of certification fees from the  
16 special fund, the state fire council could hire additional  
17 personnel to oversee the coordination of statewide fire data  
18 collection and analysis and administer federal fire-related  
19 grants. The state fire council would also be able to fund  
20 statewide educational efforts for the protection of life,  
21 property, and the environment, including the current statewide



1 fire fighter's safety guide program for Hawaii's youth and the  
2 residential smoke alarm installation program for Hawaii's  
3 at-risk senior population.

4 This Act is requesting an annual transfer of \$40,000 from  
5 the special fund to be used to assist the state fire council  
6 with its overall objectives. The following is an overview of  
7 the effect that this transfer will have on the reduced ignition  
8 propensity cigarette program objectives, the impact that this  
9 transfer will have on the special fund balance, and a proposal  
10 to ensure that this transfer does not hinder the objectives of  
11 the reduced ignition propensity cigarette program for the  
12 future:

13 (1) Estimated reduced ignition propensity cigarette  
14 certification fees to be collected annually are  
15 \$108,000. Estimated operational expenses for the  
16 reduced ignition propensity cigarette program are  
17 \$138,000. The result is an annual overage of \$30,000  
18 for the program;

19 (2) Under this Act, the department of labor and industrial  
20 relations could annually transfer \$40,000 from the  
21 special fund to assist the state fire council with the



1 state fire council's programs. Estimated operational  
2 expenses for the reduced ignition propensity cigarette  
3 program would be \$178,000. This will result in an  
4 annual overage of approximately \$70,000; and

5 (3) The special fund balance as of June 30, 2022, was more  
6 than \$885,000. The special fund balance could  
7 accommodate this \$70,000 overage for approximately ten  
8 years.

9 As stated previously, "[t]he state fire council is  
10 authorized to annually adjust this [reduced ignition propensity  
11 cigarette certification] fee to ensure it defrays the actual  
12 costs of the administration and staffing requirements and  
13 processing, testing, enforcement, inspection, and oversight  
14 activities required by this chapter." Prior to exhausting the  
15 \$885,000 special fund balance noted above, the state fire  
16 council requests approval of double the current certification  
17 fee that a cigarette manufacturer pays for each brand or style  
18 of cigarette from \$375 to \$750 every three years. Based on the  
19 approximately eight hundred cigarette brands and styles  
20 currently certified for sale in Hawaii, this would result in a  
21 total of \$600,000 in fees collected every three years, or



1 \$200,000 annually, which would be sufficient to compensate  
2 annual reduced ignition propensity cigarette operational  
3 expenses estimated at \$178,000.

4 Accordingly, the purpose of this Act is to revise section  
5 132C-9, Hawaii Revised Statutes, to authorize the use of the  
6 reduced ignition propensity cigarette program special fund to  
7 support the duties and responsibilities of the state fire  
8 council in addition to administering and enforcing the reduced  
9 ignition propensity cigarette program.

10 SECTION 2. Section 132C-9, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 " **[+]§132C-9[+]** **Reduced ignition propensity cigarette**  
13 **program special fund.** (a) There is established in the state  
14 treasury a reduced ignition propensity cigarette program special  
15 fund, into which shall be deposited all moneys collected by the  
16 state fire council from the reduced ignition propensity  
17 cigarette program pursuant to section 132C-4. All interest  
18 earned or accrued on moneys deposited in the fund shall become  
19 part of the fund.

20 (b) Moneys in the reduced ignition propensity cigarette  
21 program special fund shall be administered and expended by the



1 state fire council to defray the actual cost of activities and  
2 requirements of section 132C-4, including employing one  
3 full-time administrator and one full-time assistant whose duties  
4 include:

- 5 (1) Adopting administrative rules for program  
6 implementation, establishing compliance inspections,  
7 and approving forms and enforcement procedures and  
8 guidelines;
- 9 (2) Receiving certifications for approximately six hundred  
10 different brands and styles of cigarettes from the  
11 manufacturers;
- 12 (3) Compiling a list of the cigarette brands and styles  
13 for which manufacturers have submitted certifications,  
14 verifying tax stamp compliance with the department of  
15 the attorney general, and posting the list of  
16 certified brands and styles on a state website for  
17 informational purposes only;
- 18 (4) Reviewing and approving, as needed, any alternative  
19 test methods or fire standard compliance markings  
20 submitted by the manufacturer; and



1 (5) If needed, submitting certified cigarettes to an  
 2 accredited laboratory for testing to verify that  
 3 performance standards have been met.

4 (c) Moneys in the reduced ignition propensity cigarette  
 5 program special fund may also be administered and expended by  
 6 the state fire council to defray the cost of statewide fire  
 7 prevention, education, life safety, and preparedness programs,  
 8 especially as those programs relate to youth, seniors, and  
 9 persons with disabilities, including the hiring of  
 10 administrative personnel."

11 SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: *Mr. D. A.*  
 By Request



# S.B. NO. 190

**Report Title:**

State Fire Council Package; Fire Protection; Reduced Ignition Propensity Cigarette Program

**Description:**

Provides for additional use of the reduced ignition propensity cigarette certification fees to support the State Fire Council and its programs and activities.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

