STAND. COM. REP. NO.

3434

Honolulu, Hawaii

APR 04 2008

RE:

H.B. No. 2438

H.D. 2

S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2438, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIGARETTES,"

begs leave to report as follows:

The purpose of this measure is to require that only reduced ignition propensity cigarettes be sold in the State.

Your Committee received testimony in support of this measure from the State Attorney General, State Fire Council, and Kauai Fire Department.

Your Committee finds that, under this measure, reduced ignition propensity cigarettes will be regulated by testing. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials standard E2187-04 "Standard Test Method for Measuring the Ignition Strength of Cigarettes." The State Fire Council may adopt as rules pursuant to chapter 91, Hawaii Revised Statutes, a subsequent American Society of Testing and Materials Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with American Society of Testing and Materials standard E2187-04 and the performance standard set by this measure.

According to previous testimony of the State Fire Council on this measure, similar legislation has been adopted in twenty-two other states, which affects fifty-two per cent of the United States and Canada. Fifteen states have pending legislation to require reduced ignition propensity cigarettes.

Your Committee has amended this measure by:

- (1) Making clarifying amendments regarding contraband and seizure of such, on the recommendation of the State Attorney General;
- (2) Making a technical conforming amendment to authorize the State Fire Council to test the cigarettes under this measure; and
- (3) Changing the effective date to upon approval, and to be implemented to coincide with the excise tax incremental increase on cigarettes effective September 30, 2009.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2438, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2438, H.D. 2, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee HB 2438 HD2 SDI CPH/ t		Da -	te: 3 V4	08
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:				
The Recommendation is: Pass, unamended Pass, with amendments Hold Recommit				
2312 Pass, with amendments 1 Hold Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)				
HEE, Clayton (VC)	//			
GABBARD, Mike				
KOKUBUN, Russell S.				
NISHIHARA, Clarence K.				
SLOM, Sam	/			
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TOTAL	$ \mathcal{O} $	-		
Recommendation:				
Adopted Not Adopted				
Chair's or Designee's Signature:				
Distribution: Orginal Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes