JAN 2 1 2016

A BILL FOR AN ACT

RELATING TO PREMIUM CIGARS.

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

- 1 SECTION 1. The legislature finds that premium cigar
- 2 sellers whose products are made for adult consumers, including
- 3 cigars produced with Hawaii-grown tobacco, have been unfairly
- 4 burdened by a self-service display ban. The legislature finds
- 5 that the United States Food and Drug Administration's proposed
- 6 rules defining premium cigars provides helpful quidance by
- 7 recognizing that premium cigars are fundamentally different than
- 8 other tobacco products and should be exempt from onerous
- 9 regulations and restrictions.
- 10 The purpose of this Act is to ease the unfair burden on the
- 11 local premium cigar industry, which has been put at a
- 12 competitive disadvantage by a self-service display ban, and to
- 13 bring Hawaii's tobacco regulations into parity with the new
- 14 rules proposed by the United States Food and Drug
- 15 Administration.
- 16 SECTION 2. Section 245-1, Hawaii Revised Statutes, is
- 17 amended as follows:



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1	1.	By adding two new definitions to be appropriately
2	inserted	and to read as follows:
3	" <u>" C</u> h	maracterizing flavor":
4	(1)	Means a distinguishable taste or aroma of candy,
5		chocolate, vanilla, fruit, berry, nut, herb, spice,
6		honey, or an alcoholic drink that is imparted to
7		tobacco or tobacco smoke either prior to or during
8		consumption; and
9	(2)	Does not include a taste or aroma from tobacco.
10	"Pre	emium cigar" means a cigar that:
11	(1)	Is wrapped in whole tobacco leaf;
12	(2)	Contains a one-hundred per cent leaf tobacco binder;
13	(3)	Contains primarily long filler tobacco;
14	(4)	Is made by manually combining the wrapper, filler, and
15		binder;
16	(5)	Has no filter, tip, or non-tobacco mouthpiece and is
17		capped by hand;
18	(6)	Does not have a characterizing flavor other than
19		tobacco and is not advertised or marketed as having or
20		producing a characterizing flavor; and
21	(7)	Weighs more than six pounds per one thousand units."

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1	2.	By amending the definition of "tobacco products" to	
2	read:		
3	""To	bacco products" means tobacco in any form, other than	
4	cigarette	s or little cigars, that is prepared or intended for	
5	consumption or for personal use by humans, including large and		
6	premium cigars and any substitutes thereof other than cigarettes		
7	that bear the semblance thereof, snuff, chewing or smokeless		
8	tobacco,	and smoking or pipe tobacco."	
9	SECT	TON 3. Section 328J-1, Hawaii Revised Statutes, is	
10	amended by adding a new definition to be appropriately inserted		
11	and to read as follows:		
12	" <u>"</u> Pr	emium cigar" means a cigar that:	
13	<u>(1)</u>	Is wrapped in whole tobacco leaf;	
14	(2)	Contains a one-hundred per cent leaf tobacco binder;	
15	(3)	Contains primarily long filler tobacco;	
16	(4)	Is made by manually combining the wrapper, filler, and	
17		<pre>binder;</pre>	
18	(5)	Has no filter, tip, or non-tobacco mouthpiece and is	
19		capped by hand;	
20	<u>(6)</u>	Does not have a characterizing flavor other than	
21		tobacco; and	

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(7) Weighs more than six pounds per one thousand units."	
SECTION 4. Section 328J-18, Hawaii Revised Statutes, is	
amended by amending subsection (b) to read as follows:	
(b) This section shall not apply to:	
(1) A duty-free sales enterprise selling duty-free	
6 merchandise in accordance with the provisions of title	
7 19 United States Code section 1555(b), and any	
implementing regulations; [and]	
9 (2) Retail tobacco stores, bars, or any other	
0 establishment for which the minimum age for admission	
is eighteen[-]; and	
2 (3) Premium cigars."	
3 SECTION 5. Statutory material to be repealed is bracketed	
4 and stricken. New statutory material is underscored.	
SECTION 6. This Act shall take effect upon its approval	
$oldsymbol{6}$ and shall apply to the sale of tobacco products occurring after	
7 July 1, 2016.	
INTRODUCED BY: By Regulation	

S.B. NO. 2/34

Report Title:

Tobacco; Premium Cigars

Description:

Adds a new definition of premium cigar. Exempts premium cigars from the self-service display ban.

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SB LRB 16-0516.doc