

STAND. COM. REP. NO.

1668

Honolulu, Hawaii

MAR 22 , 2019

RE: S.B. No. 1009  
S.D. 2  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred S.B. No. 1009, S.D. 2, H.D. 1,  
entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

beg leave to report as follows:

The purpose of this measure is to prohibit the sale or  
distribution of all flavored tobacco products, including e-  
liquids, in the State.

The Department of Education, Department of Health,  
Councilmembers of the County of Maui, County of Hawaii Office of  
the Prosecuting Attorney, Cancer Prevention in the Pacific  
Program, We Are One, Inc., Hawai'i Primary Care Association, Hawaii  
State Teachers Association, Hawaii Children's Action Network,  
Hawai'i Public Health Association, Hawaii Dental Hygienists'  
Association, American Heart Association, Lanai Community Health  
Center, Hawaii Youth Services Network, Blue Zones Project-Hawaii,  
Hamakua Cougars, Kapi'olani Medical Center for Women & Children,  
Hamakua-Kohala Health, Hamakua Health Center, Inc., Pediatric  
Therapies Hawaii, Friends of Kamalani and Lydgate Park, Hawai'i  
Public Health Institute, Hawai'i Pacific Health, The Man Cave,  
Youth for Safety, and many individuals supported this measure.

SB1009 HD2 HSCR CPC-JUD HMS 2019-3399



Eciggity, Irie Hawaii, Hawaii Smokers Alliance, Retail Merchants of Hawaii, Hawaii Petroleum Marketers Association, Cigar Association of America, Inc., Volcano Fine Electronic Cigarettes, Vape Kings, LLC, and many individuals opposed this measure.

The Department of the Attorney General and Hawaii Food Industry Association provided comments.

Your Committees have amended this measure by:

- (1) Clarifying that retailers and agents or employees of retailers may be criminally liable;
- (2) Including a definition of "entity" to clarify that this measure applies to all retail entities regardless of ownership or business structure; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1009, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to your Committee on Finance, in the form attached hereto as S.B. No. 1009, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,



CHRIS LEE, Chair



ROY M. TAKUMI, Chair



State of Hawaii  
House of Representatives  
The THIRTIETH Legislature

HJR 1668

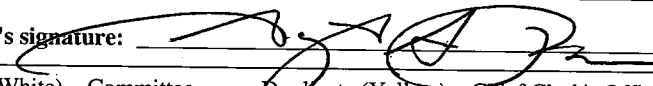
**Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: <b>SB 1009 SD 2 HD HLT, CPC/JUD, FIN</b>	Committee Referral:	Date: <b>3/20/19</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. BELATTI, Della Au				✓
5. CABANILLA ARAKAWA, Rida			✓	
6. CACHOLA, Romy M.	✓			
7. HAR, Sharon E.	✓			
8. KONG, Sam Satoru		✓		
9. MIZUNO, John M.	✓			
10. ONISHI, Richard H.K.	✓			
11. MATSUMOTO, Lauren	✓			
<b>TOTAL (11)</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Linda Chingme</i></u>				
Distribution: Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				

State of Hawaii  
 House of Representatives  
 The THIRTIETH Legislature

*HJR 1008*

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: <b>SB1009 S02 HD1</b>	Committee Referral: <b>HCT, CPC/JUD, FIN</b>	Date: <b>3/20/19</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom				/
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
TOTAL (11)	<b>9</b>			<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				