Honolulu, Hawaii

FEB 1 4 2023

RE: S.B. No. 1447

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 1447 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than the provisions in chapter 328J, Hawaii Revised Statutes; and
- (2) Clarify that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances are more stringent than the provisions in chapter 328J, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i State Association of Counties, one member of the Hawai'i County Council, Hawai'i Primary Care Association, American Heart Association, Hawaii COPD Coalition, American Cancer Society Cancer Action Network, American Lung Association Hawaii, Papa Ola Lokahi, Campaign for Tobacco-Free Kids, Hawai'i Public Health Institute, and fourteen

individuals. Your Committee received testimony in opposition to this measure from Consumer Choice Center; Hi Five Ohm Vape Co., LLC; Americans for Tax Reform; VOLCANO Vape Shops; Savage Vapes 808 INC.; Hawaii Smokers Alliance; Aloha Petroleum; Minit Stop; Par Hawaii; Hui K., LLC; Retail Merchants of Hawaii; and thirtytwo individuals.

Your Committee finds that tobacco use remains the leading cause of preventable death in the United States, including Hawaii. Additionally, the rate of tobacco use among the youth has continued to increase to epidemic levels, with 48.3 percent of public high school students having tried using electronic smoking devices. Your Committee believes that a flexible regulation system is needed to address the multibillion-dollar marketing campaigns of tobacco companies focused on our youth. This measure will allow all levels of government, including counties, to quickly address youth tobacco use by clarifying that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than the relevant provisions in state law and clarifying that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances are more stringent than the relevant provisions in state law.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1447 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on behalf of the members of the Committee on Public Safety and Intergovernmental and Military Affairs,

GLENN WAKAI, Chaj

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The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Public Safety and Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 1447	PSM	CPN		02/10/2	3
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 2311 2310 2313					
Members		Aye	Aye (WR) Nay	Excused
WAKAI, Glenn (C)		V			
ELEFANTE, Brandon J.C. (VC)		\			
FUKUNAGA, Carol					V
MCKELVEY, Angus L.K.		1			
AWA, Brenton		/			
					
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	12/ 12 /				
TOTAL		4	ϕ	ϕ	1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes