
A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

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

1 SECTION 1. The legislature finds that the primary mission
2 of the state fire council is to develop and support a
3 comprehensive fire service emergency management network for the
4 protection of life, property, and the environment for the State.
5 Among its many responsibilities, the state fire council is
6 statutorily required to adopt the state fire code, administer
7 the reduced ignition propensity cigarettes law, and provide
8 assistance with the application and administration of federal
9 grants for fire-related projects. The state fire council may
10 also, among other things, coordinate statewide training, data
11 collection, and contingency planning needs for firefighters;
12 advise the governor and legislature on matters related to fire
13 prevention, fire protection, and life safety; and establish
14 statewide qualifications and procedures for testing, certifying,
15 and credentialing individuals who perform maintenance and
16 testing of portable fire extinguishers, fire protection systems,
17 and fire alarm systems.



1 The legislature further finds that despite the scope of its
2 responsibilities, the state fire council has been historically
3 underfunded. From its inception until 2001, the state fire
4 council had no funding for staff to fulfill its
5 responsibilities. Instead, the state fire council relied upon
6 county personnel to perform the council's duties along with
7 county personnel's normal functions within their respective fire
8 departments. In 2001, the governor directed the department of
9 labor and industrial relations to allocate \$35,000 to fund the
10 first part-time employee. Ten years later, the legislature
11 appropriated an additional \$71,000 to hire two additional
12 personnel.

13 In 2011, the legislature also established the reduced
14 ignition propensity cigarette program special fund for the
15 deposit of certification fees collected pursuant to the reduced
16 ignition propensity cigarette program. Moneys in the special
17 fund are administered and expended by the state fire council to
18 defray the actual cost of activities and requirements of the
19 reduced ignition propensity cigarette program, including
20 employing one full-time administrator and one full-time



1 assistant. As of June 30, 2022, the reduced ignition propensity
2 cigarette program special fund has a balance of \$885,000.

3 The state fire council now estimates that the annual
4 \$138,000 operational expenses for the reduced ignition
5 propensity cigarette program will exceed the estimated \$108,000
6 in certification fees collected. To ensure that the reduced
7 ignition propensity cigarette program remains solvent, state law
8 authorizes the state fire council to annually adjust the
9 certification fee to ensure that it defrays the actual costs of
10 the administration and staffing requirements and processing,
11 testing, enforcement, inspection, and oversight activities
12 required. Even with the annual overage of \$30,000, the
13 legislature finds that there is sufficient moneys in the reduced
14 ignition propensity cigarette program special fund to defray the
15 costs of fire-related programs and the hiring of administrative
16 personnel for several years.

17 Accordingly, the purpose of this Act is to authorize moneys
18 in the reduced ignition propensity cigarette program special
19 fund to be administered and expended by the state fire council
20 to defray the cost of statewide fire prevention, education, life
21 safety, and preparedness programs, especially as those programs



1 relate to youth, seniors, and persons with disabilities,
2 including the hiring of administrative personnel.

3 SECTION 2. Section 132-16, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) The state fire council may also:

- 6 (1) Appoint advisory committees comprising representatives
7 from each county fire department, a representative of
8 the Hawaii state aircraft rescue fire fighting unit,
9 and a representative of the division of forestry and
10 wildlife of the department of land and natural
11 resources to assist in drafting the state fire code
12 and coordinating statewide training, data collection,
13 and contingency planning needs for firefighters;
- 14 (2) Advise and assist the county and state fire
15 departments where appropriate; [may] prescribe
16 standard procedures and forms relating to inspections,
17 investigations, and reporting of fires; [may] approve
18 plans for cooperation among the county and state fire
19 departments; [~~and may~~] advise the governor and the
20 legislature with respect to fire prevention and
21 protection, life safety, and any other functions or



1 activities for which the various county and state fire
2 departments are generally responsible; and implement
3 statewide fire prevention, education, life safety, and
4 preparedness programs, especially as those programs
5 relate to youth, seniors, and persons with
6 disabilities; and

- 7 (3) Establish, in conformance with the adopted state fire
8 code and nationally recognized standards, statewide
9 qualifications and procedures, to be administered by
10 the county fire departments, for testing, certifying,
11 and credentialing individuals who perform maintenance
12 and testing of portable fire extinguishers, water-
13 based fire protection systems, other fire protection
14 systems, private fire hydrants, and fire alarm
15 systems; provided that the county fire departments may
16 establish and charge reasonable certification fees."

17 SECTION 3. Section 132C-9, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+] §132C-9 [+] **Reduced ignition propensity cigarette**
20 **program special fund.** (a) There [~~is~~] shall be established in
21 the state treasury a reduced ignition propensity cigarette



1 program special fund, into which shall be deposited all moneys
2 collected by the state fire council from the reduced ignition
3 propensity cigarette program pursuant to section 132C-4. All
4 interest earned or accrued on moneys deposited in the fund shall
5 become part of the fund.

6 (b) Moneys in the reduced ignition propensity cigarette
7 program special fund shall be administered and expended by the
8 state fire council to defray the actual cost of activities and
9 requirements of section 132C-4, including employing one
10 full-time administrator and one full-time assistant whose duties
11 include:

- 12 (1) Adopting administrative rules for program
13 implementation, establishing compliance inspections,
14 and approving forms and enforcement procedures and
15 guidelines;
- 16 (2) Receiving certifications for approximately [~~six~~] eight
17 hundred different brands and styles of cigarettes from
18 the manufacturers;
- 19 (3) Compiling a list of the cigarette brands and styles
20 for which manufacturers have submitted certifications,
21 verifying tax stamp compliance with the department of



- 1 the attorney general, and posting the list of
2 certified brands and styles on a state website for
3 informational purposes only;
- 4 (4) Reviewing and approving, as needed, any alternative
5 test methods or fire standard compliance markings
6 submitted by the manufacturer; and
- 7 (5) If needed, submitting certified cigarettes to an
8 accredited laboratory for testing to verify that
9 performance standards have been met.

10 (c) Moneys in the reduced ignition propensity cigarette
11 program special fund may also be administered and expended by
12 the state fire council:

- 13 (1) To defray the cost of statewide fire prevention,
14 education, life safety, and preparedness programs
15 implemented pursuant to section 132-16(c)(2); and
- 16 (2) For the hiring of administrative personnel, exempt
17 from chapters 76-89."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.



Report Title:

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

Description:

Authorizes moneys in the reduced ignition propensity cigarette program special fund to be used to defray the cost of statewide fire prevention, education, life safety, and preparedness programs, and hiring of administrative personnel. (SD2)

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