

JAN 18 2024

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 Hawaii enacted a
2 reduced ignition propensity cigarette law effective on
3 September 30, 2009. As stated in section 132C-1, Hawaii Revised
4 Statutes, "the intent of this law is to require that only
5 reduced ignition propensity cigarettes be sold in the State."
6 As required by section 132C-4, Hawaii Revised Statutes,
7 "[e]ach manufacturer shall submit to the state fire council
8 written certification attesting that each cigarette has been
9 tested in accordance with, and has met the performance standard
10 required under section 132C-3 Each cigarette certified
11 under this subsection shall be recertified every three years.
12 For each cigarette listed in a certification, a manufacturer
13 shall pay to the state fire council a \$375 fee to be deposited
14 into the reduced ignition propensity cigarette program special
15 fund under section 132C-9[, Hawaii Revised Statutes]. The state
16 fire council is authorized to annually adjust this fee to ensure
17 it defrays the actual costs of the administration and staffing



1 requirements and processing, testing, enforcement, inspection,
2 and oversight activities required by this chapter."

3 In 1979, the legislature abolished the state fire marshal's
4 office and created the state fire council, which is composed of
5 the four county fire chiefs and is administratively attached to
6 the department of labor and industrial relations. The goal of
7 the state fire council is to develop and maintain a
8 comprehensive fire service emergency management network for the
9 protection of life, property, and the environment throughout the
10 State of Hawaii. The state fire council is tasked with
11 reviewing and adopting the state fire code, providing
12 administrative oversight of the reduced ignition propensity
13 cigarette program, providing assistance with the application and
14 administration of federal grants for the fire service, assisting
15 and coordinating with the statewide delivery of fire training
16 programs, coordinating the collection of fire data, and
17 supporting contingency planning needs for fire fighters. The
18 state fire council may establish statewide qualifications for
19 testing, certifying, and credentialing individuals who perform
20 maintenance and testing of portable fire extinguishers, fire
21 protection systems, and fire alarm systems. The state fire



1 council may also advise the governor and legislature on matters
2 related to fire prevention, fire protection, and life safety.
3 The state fire council is a voting member of the state building
4 code council, whose responsibilities are delineated in
5 section 107-24, Hawaii Revised Statutes.

6 From its inception until 2001, the state fire council had
7 no funding for staff to fulfill its responsibilities. The state
8 fire council relied upon county personnel to perform the state
9 fire council's duties along with county personnel's normal
10 functions within their respective fire departments. In 2001,
11 the governor directed the department of labor and industrial
12 relations to allocate \$35,000 to fund the first part-time
13 employee. In 2011, the legislature appropriated an additional
14 \$71,000 to hire two additional personnel. With the transfer of
15 certification fees from the reduced ignition propensity
16 cigarette program special fund, the state fire council could
17 hire additional personnel to oversee the coordination of
18 statewide fire data collection and analysis and administer
19 federal fire-related grants. The state fire council would also
20 be able to fund statewide educational efforts for the protection
21 of life, property, and the environment, such as the current



1 statewide firefighter safety guide program for Hawaii's youth
2 and the residential smoke alarm installation program for
3 Hawaii's at-risk senior population.

4 This Act requests an annual transfer of \$40,000 from the
5 reduced ignition propensity cigarette program special fund to be
6 used to assist the state fire council with its overall
7 objectives. The following is an overview of the effect this
8 transfer will have on the reduced ignition propensity cigarette
9 program objectives, the impact the transfer will have on the
10 reduced ignition propensity cigarette program special fund
11 balance, and a proposal to ensure that this transfer does not
12 hinder the objectives of the reduced ignition propensity
13 cigarette program for the future:

14 (1) Estimated reduced ignition propensity cigarette
15 certification fees to be collected annually are
16 \$108,000. Estimated operational expenses for the
17 reduced ignition propensity cigarette program are
18 \$138,000. The result is an annual overage of \$30,000
19 for the program;

20 (2) Under this Act, the department of labor and industrial
21 relations annually could transfer \$40,000 from the



1 special fund to assist the state fire council with the
2 council's programs. Estimated operational expenses
3 for the reduced ignition propensity cigarette program
4 would be \$178,000, resulting in an overage of
5 approximately \$70,000; and

6 (3) The reduced ignition propensity cigarette program
7 special fund balance as of June 30, 2022, was more
8 than \$885,000. The special fund balance could
9 accommodate this \$70,000 overage for approximately ten
10 years.

11 As stated previously, "[t]he state fire council is
12 authorized to annually adjust this [reduced ignition propensity
13 cigarette certification] fee to ensure it defrays the actual
14 costs of the administration and staffing requirements and
15 processing, testing, enforcement, inspection, and oversight
16 activities required by this chapter." Prior to exhausting the
17 \$885,000 special fund balance noted above, the state fire
18 council requests approval of double the current certification
19 fee that a cigarette manufacturer pays for each brand or style
20 of cigarette from \$375 to \$750 every three years. Based on the
21 approximately eight hundred cigarette brands and styles



1 currently certified for sale in Hawaii, this would result in a
2 total of \$600,000 in fees collected every three years, or
3 \$200,000 annually, which would be sufficient to compensate
4 annual reduced ignition propensity cigarette operational
5 expenses estimated at \$178,000.

6 Accordingly, the purpose of this Act is to revise
7 section 32C-9, Hawaii Revised Statutes, to authorize the use of
8 the reduced ignition propensity cigarette program special fund
9 to support the duties and responsibilities of the state fire
10 council in addition to administering and enforcing the reduced
11 ignition propensity cigarette program.

12 SECTION 2. Section 132C-9, Hawaii Revised Statutes, is
13 amended to read as follows:

14 " [f]§132C-9 [f] **Reduced ignition propensity cigarette**
15 **program special fund.** (a) There is established in the state
16 treasury a reduced ignition propensity cigarette program special
17 fund, into which shall be deposited all moneys collected by the
18 state fire council from the reduced ignition propensity
19 cigarette program pursuant to section 132C-4. All interest
20 earned or accrued on moneys deposited in the fund shall become
21 part of the fund.



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

- 7 (1) Adopting administrative rules for program
8 implementation, establishing compliance inspections,
9 and approving forms and enforcement procedures and
10 guidelines;
- 11 (2) Receiving certifications for approximately [~~six~~] eight
12 hundred different brands and styles of cigarettes from
13 the manufacturers;
- 14 (3) Compiling a list of the cigarette brands and styles
15 for which manufacturers have submitted certifications,
16 verifying tax stamp compliance with the department of
17 the attorney general, and posting the list of
18 certified brands and styles on a state website for
19 informational purposes only;



1 (4) Reviewing and approving, as needed, any alternative
2 test methods or fire standard compliance markings
3 submitted by the manufacturer; and

4 (5) If needed, submitting certified cigarettes to an
5 accredited laboratory for testing to verify that
6 performance standards have been met.

7 (c) Moneys in the reduced ignition propensity cigarette
8 program special fund may also be administered and expended by
9 the state fire council to defray the cost of statewide fire
10 prevention, education, life safety, and preparedness programs,
11 especially as those programs relate to youth, seniors, and
12 persons with disabilities, including the hiring of
13 administrative personnel."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: *Mark D. Hill*
By Request



S.B. NO. 2228

Report Title:

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

Description:

Authorizes the use of the reduced ignition propensity cigarette program special fund to support the State Fire Council and its programs and activities, including for the hiring of administrative personnel.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

