STAND. COM. REP. NO.



Honolulu, Hawaii MAR 24 , 2023 RE: S.B. No. 1447 S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1447, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Repeal existing state law that:
 - (A) Preempted local ordinances or regulations from regulating the sale of cigarettes, tobacco products, and electronic smoking devices; and
 - (B) Nullified and voided existing local laws and regulations that conflicted with the state law on smoking; and
- (2) Allow the counties to regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances do not directly conflict with and are more stringent than the state law on smoking.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii State Teachers Association,

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Hawai'i State Association of Counties, American Heart Association, American Cancer Society Cancer Action Network, Coalition for a Tobacco-Free Hawaii's Youth Council, Hawaii Association of Independent Schools, Hawai'i Primary Care Association, Hawaii Substance Abuse Coalition, Hawaii COPD Coalition, Papa Ola Lokahi, Coalition for a Tobacco-Free Hawai'i, Campaign for Tobacco-Free Kids, American Lung Association, Hawaii Medical Service Association, and numerous individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii; Kimura General Store; VOLCANO Vape Shops; Consumer Choice Center; Americans for Tax Reform; Cigar Association of America, Inc.; Aloha Petroleum; Minit Stop; Par Hawaii; National Taxpayers Union; Hi Supply Smoke Shop; Hawaii Smokers' Alliance; and numerous individuals. Your Committee received comments on this measure from the Taxpayers Protection Alliance.

Your Committee finds that geographic tobacco-related disparities are a serious public health problem in the State and innovative, community-based solutions are needed. As such, local communities may have innovative solutions to address this serious public health problem. This measure returns authority to the counties to regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Your Committee has amended this measure by:

- (1) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1447, S.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 1447, S.D. 1, H.D. 1.



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Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

NAKASHIMA, Chair

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State of Hawaii



Record of Votes of the Committee on Consumer Protection & Commerce

| Bill/Resolution No.: SB 1447-SP1 | | e Referral: 1 CPC, FI | Dat | "03-ZZ | -23 |
|--|---------|--------------------------|-----------|--------------------------|-----------|
| The committee is reconsidering its previous decision on the measure. | | | | | |
| The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) | | | | | |
| CPC Members | | Ayes | Ayes (WR) | Nays | Excused |
| 1. NAKASHIMA, Mark M. | (C) | - | | | |
| | | | | | |
| 2. SAYAMA, Jackson D. (V | C) | - | | | |
| | | | | | e date in |
| 3. AMATO, Terez | | | | | |
| | | | | | |
| 4. BELATTI, Della Au | | | | | |
| 5. HASHEM, Mark J. | | | | | |
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| 6. HUSSEY-BURDICK, Nat | alia | | <u> </u> | | |
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| 7. GATES, Cedric Asuega | | / | | | |
| | | | | 18979442 T | |
| 8. LOWEN, Nicole E. | | | | | |
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| 9. ONISHI, Richard H.K. | | _ | | | |
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| 10. TAM, Adrian K. | | 19 | | | |
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| 11. PIERICK, Elijah | | | | | |
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| TOTAL (11) | | 9 | | | Z |
| | Adopted | Not Adopted | | | |
| If joint referral, did not support recommendation. | | | | | |
| Vice Chair's or designee's signature: | | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | | |
| Dupicate (Tenow) - Chief Clerk's Office Dupicate (Plik) - HMSO | | | | | |