

JAN 19 2023

A BILL FOR AN ACT

RELATING TO THE REGULATION OF TOBACCO PRODUCTS.

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

1 SECTION 1. The legislature finds that tobacco use remains
2 the leading cause of preventable deaths in Hawaii and throughout
3 the United States. Recent years have brought a precipitous
4 increase in the consumer sales of electronic smoking devices,
5 including the devices sometimes called vapes. One inhalation
6 from these electronic smoking devices can contain many times
7 more nicotine than a conventional cigarette. Electronic smoking
8 devices have played a major role in increasing the rate of youth
9 nicotine addiction, which had previously been on the decline.

10 The legislature notes that youths' increased tobacco use
11 prompted the State to raise the legal smoking age to twenty-one
12 years of age and to treat electronic cigarettes in the same
13 manner as conventional cigarettes for purposes of clean indoor
14 air laws. The State and the counties of Hawaii, Maui, and the
15 City and County of Honolulu also banned smoking, including
16 smoking electronic cigarettes, at state and county beaches and
17 parks.



1 The legislature also notes that in 2018, to ensure uniform
2 regulations on tobacco sales, the legislature passed Act 206,
3 which, in part, declared the sale of cigarettes, tobacco
4 products, and electronic smoking devices a matter of statewide
5 concern and nullified any existing local ordinances or policies
6 that restricted the sale of these products. However, the
7 legislature recognizes that since Act 206 was passed, youth
8 tobacco use has continued to increase and has reached epidemic
9 levels. According to the 2019 Hawaii Youth Risk Behavior
10 Survey, thirty-one per cent of middle school students and
11 forty-eight per cent of public high school students had tried
12 electronic smoking devices. The survey also indicated that
13 eighteen per cent of middle school students and thirty-one per
14 cent of high school students regularly used vapes.

15 The legislature believes that, to end this youth vaping
16 epidemic, the State must work in concert with youth, parents,
17 and educational institutions and that laws must be changed at
18 all levels of government to establish reasonable restrictions on
19 the sale of and access to these addictive products.

20 Accordingly, the purpose of this Act is to reauthorize the
21 counties to enact restrictions on the sales of tobacco products,



1 including electronic smoking devices, by repealing section
2 328J-11.5, Hawaii Revised Statutes.

3 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is
4 repealed.

5 [~~["§328J-11.5] Statewide concern. (a) Sales of
6 cigarettes, tobacco products, and electronic smoking devices are
7 a statewide concern. It is the intent of the legislature to
8 regulate the sale of cigarettes, tobacco products, and
9 electronic smoking devices in a uniform and exclusive manner.~~

10 ~~(b) All local ordinances or regulations that regulate the
11 sale of cigarettes, tobacco products, and electronic smoking
12 devices are preempted, and existing local laws and regulations
13 conflicting with this chapter are null and void.~~

14 ~~(c) Nothing in this chapter shall be construed to limit a
15 county's authority under section 328J-15."]~~

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken.

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

19

INTRODUCED BY: 
By Request

S.B. NO. 208

Report Title:

Hawaii State Association of Counties Package; Tobacco Products;
Electronic Smoking Devices; County Regulation; Repeal

Description:

Repeals section 328J-11.5, Hawaii Revised Statutes.

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

