

'JAN 24 2024

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Chapter 328J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§328J- Smoking sensor rebate program. (a) The
5 department shall administer a rebate program that incentivizes
6 the installation of smoking sensors and may contract with a
7 third-party administrator pursuant to subsection (i) to operate
8 and manage the rebate program.

9 (b) An applicant may be eligible for a rebate under the
10 rebate program if the applicant installs a smoking sensor to
11 detect smoking within smoking-prohibited areas.

12 (c) Each eligible installation of a smoking sensor shall
13 receive a rebate of either per cent of the retail cost of
14 the smoking sensor or \$, whichever amount is lower;
15 provided that no individual shall receive more than
16 \$ in total rebates each fiscal year.



1 (d) The department shall not issue more than
2 \$ _____ in total rebates under this section each fiscal
3 year; provided that the tobacco prevention and control trust
4 fund pursuant to section 328L-5(c) contains sufficient funds to
5 pay the rebates. The department shall not be liable to pay any
6 refund if sufficient funds are unavailable. The department
7 shall allow valid claims filed by eligible applicants for whom
8 sufficient funds may not be immediately available to receive a
9 rebate as funds may be available in a subsequent year.

10 (e) The department shall:

11 (1) Prepare any forms that may be necessary for an
12 applicant to claim a rebate pursuant to this section;
13 and

14 (2) Require each applicant to furnish reasonable
15 information to ascertain the validity of the claim,
16 including but not limited to documentation necessary
17 to demonstrate that the installation for which the
18 rebate is claimed is eligible.

19 (f) This section shall apply to smoking sensors installed
20 after _____, 2024.



1 (g) Applicants shall submit applications to the department
2 within of the date that the newly installed smoking sensor
3 is placed into service to claim a rebate from the smoking sensor
4 rebate program. Failure to apply to the department
5 within of the date that the newly installed smoking sensor
6 is placed into service shall constitute a waiver of the right to
7 claim the rebate. Rebates shall be subject to available funds,
8 and the program administrator shall not approve additional
9 rebates for the remainder of the fiscal year after program funds
10 have been fully exhausted.

11 (h) Nothing in this section shall alter taxes due on the
12 original purchase. Any rebate received pursuant to this section
13 shall not be considered income for the purposes of state or
14 county taxes.

15 (i) The department may contract with a third-party
16 administrator to operate and manage the smoking sensor rebate
17 program. The third-party administrator shall not be deemed to
18 be a "governmental body" as defined in section 103D-104;
19 provided that all moneys transferred to the third-party
20 administrator shall have been appropriated by the legislature or
21 shall be from moneys provided by the federal government or



1 private funding sources. The third-party administrator shall
2 not expend more than _____ per cent of the amounts appropriated
3 for the rebate program, or any other reasonable percentage
4 determined by the department, for administration of the smoking
5 sensor rebate program.

6 (j) For purposes of this section, "smoking sensor" means a
7 device that monitors and immediately detects smoking within a
8 specified area and sends a location-specific alert and a
9 timestamped scientific report of the smoking incident to the
10 user using wi-fi technology."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: Carol Johnson



S.B. NO. 3200

Report Title:

DOH; Smoking; Smoking Sensor; Rebate Program; Hawaii Tobacco Prevention and Control Trust Fund

Description:

Establishes under the Department of Health a Smoking Sensor Rebate Program, which offers a rebate for installation of smoking sensors to detect smoking within smoking-prohibited areas.

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

