
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. The legislature finds that the movement for
2 smoke-free multi-unit housing is rapidly growing in Hawaii and
3 across the country. In 2014, the legislature enacted Act 91,
4 Session Laws of Hawaii 2014, a groundbreaking law prohibiting
5 smoking in all Hawaii public housing, and in the summer of 2018,
6 the United States Department of Housing and Urban Development
7 implemented uniform no-smoking restrictions across all
8 nationwide public housing authorities.

9 The legislature further finds that, while great gains have
10 been made in the public housing sector, many private high-rise
11 buildings still lack adequate safeguards and protection from
12 second-hand smoke exposure, in part, because of the high cost of
13 installing smoke sensors and other detectors.

14 Accordingly, the purpose of this Act is to:

15 (1) Establish a two-year smoking sensor rebate pilot
16 program to incentivize multi-family high-rise



1 buildings to install leased or purchased smoke
2 sensors; and
3 (2) Assist condominium associations in enforcing their
4 association documents that prohibit smoking,
5 promulgated pursuant to the authorization granted to
6 condominium associations under section 514B-112,
7 Hawaii Revised Statutes, to achieve condominium
8 community mutual obligations.

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

12 "§328J- Smoking sensor rebate pilot program. (a) The
13 department shall administer a pilot rebate program that
14 incentivizes the installation of smoking sensors in multi-family
15 high-rise buildings that are subject to section 514B-112, and
16 may contract with a third-party administrator pursuant to
17 subsection (i) to operate and manage the rebate program.

18 (b) An applicant condominium association may be eligible
19 for a rebate under the rebate program if the applicant
20 condominium association installs smoking sensors to detect
21 smoking within smoking-prohibited areas.



1 (c) Each eligible installation of a smoking sensor
2 pursuant to a lease or purchase shall receive a rebate of
3 either _____ per cent of the retail cost of the smoking sensor
4 or \$ _____, whichever amount is lower; provided that no
5 condominium association shall receive more than \$ _____ in
6 total rebates each fiscal year.

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

17 (e) The department shall:

18 (1) Prepare any forms that may be necessary for an
19 applicant condominium association to claim a rebate
20 pursuant to this section; and



1 (2) Require each applicant condominium association to
2 furnish reasonable information to ascertain the
3 validity of the claim, including but not limited to
4 documentation necessary to demonstrate that the
5 installation for which the rebate is claimed is
6 eligible.

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

9 (g) Applicant condominium associations shall submit
10 applications to the department within _____ of the date that the
11 newly installed smoking sensor devices are placed into service
12 to claim a rebate from the smoking sensor rebate pilot program.
13 Failure to apply to the department within _____ of the date that
14 the newly installed smoking sensor devices are placed into
15 service shall constitute a waiver of the right to claim the
16 rebate. Rebates shall be subject to available funds, and the
17 program administrator shall not approve additional rebates for
18 the remainder of the fiscal year after program funds have been
19 fully exhausted.

20 (h) Nothing in this section shall alter taxes due on the
21 original purchase. Any rebate received pursuant to this section



1 shall not be considered income for the purposes of state or
2 county taxes.

3 (i) The department may contract with a third-party
4 administrator to operate and manage the smoking sensor rebate
5 pilot program. The third-party administrator shall not be
6 deemed to be a "governmental body" as defined in section 103D-
7 104; provided that all moneys transferred to the third-party
8 administrator shall have been appropriated by the legislature or
9 shall be from moneys provided by the federal government or
10 private funding sources. The third-party administrator shall
11 not expend more than _____ per cent of the amounts appropriated
12 for the smoking sensor rebate pilot program, or any other
13 reasonable percentage determined by the department, for
14 administration of the smoking sensor rebate pilot program.

15 (j) For purposes of this section, "smoking sensor" means a
16 device that monitors and immediately detects smoking within a
17 specified area and sends location-specific alerts and a
18 timestamped scientific report of the smoking incident to the
19 user using wi-fi technology."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval,
2 and shall be repealed on July 1, 2026.



Report Title:

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

Description:

Establishes under the Department of Health a Smoking Sensor Rebate Pilot Program, which offers a rebate for installation of smoking sensors to detect smoking within smoking-prohibited areas in multi-family high-rise buildings. Repeals 7/1/2026. (Proposed SD1)

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

