
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 death in the United States and
3 in Hawaii. Recent years have brought a precipitous increase in
4 consumer sales of electronic smoking devices, sometimes called
5 "vapes", and one inhalation of these products can contain many
6 times more nicotine than a conventional cigarette. Electronic
7 smoking devices have played a major role in increased rates of
8 youth nicotine addiction, which had been previously on the
9 decline.

10 This increased youth tobacco use prompted Hawaii to adopt
11 laws to increase the minimum smoking age to twenty-one years old
12 and treat electronic cigarettes in the same manner as the State
13 treats conventional cigarettes for purposes of clean indoor air
14 laws. The State and the county of Hawaii, county of Maui, and
15 city and county of Honolulu have also adopted policies to ban
16 smoking, including electronic cigarette use, at state and county
17 beaches and parks.



1 In 2018, in order to ensure uniform regulations on tobacco
2 sales, the legislature passed Act 206, Session Laws of Hawaii,
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 finds that since the Act's passage, youth tobacco
8 use has continued to increase to epidemic levels. According to
9 the 2019 Hawaii Youth Risk Behavior Survey, thirty-one per cent
10 of middle school students and forty-eight per cent of public
11 high school students had tried electronic smoking devices. The
12 2019 Hawaii Youth Risk Behavior Survey also indicates that
13 eighteen per cent of middle school students and thirty-one per
14 cent of high school students currently vape.

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



1 Accordingly, the purpose of this Act is to repeal existing
2 statutory language that:

3 (1) Declares that the sale of cigarettes, tobacco
4 products, and electronic devices are a statewide
5 concern; and

6 (2) Preempts all local ordinances and regulations that
7 regulate the sale of cigarettes, tobacco products, and
8 electronic devices.

9 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is
10 repealed.

11 [~~"[§328J-11.5] Statewide concern. (a) Sales of~~
12 ~~cigarettes, tobacco products, and electronic smoking devices are~~
13 ~~a statewide concern. It is the intent of the legislature to~~
14 ~~regulate the sale of cigarettes, tobacco products, and~~
15 ~~electronic smoking devices in a uniform and exclusive manner.~~

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

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



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken.

6 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii State Association of Counties Package; Tobacco Products;
Regulation

Description:

Repeals existing statutory language that: declares that the sale of cigarettes, tobacco products, and electronic devices are a statewide concern; and preempts all local ordinances and regulations that regulate the sale of cigarettes, tobacco products, and electronic devices. Effective 7/1/3000. (HD1)

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