STAND. COM. REP. NO. 686 -26

Honolulu, Hawaii

FEB 20 , 2026

RE: H.B. No. 1573
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1573, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

(1) Require electronic smoking device and e-liquid manufacturers to annually certify to the Department of the Attorney General that the manufacturer has received a Marketing Granted Order from the federal Food and Drug Administration and that the manufacturer is in compliance with federal regulations and state laws;

(2) Require the Department of the Attorney General to compile and make public a directory of all certified electronic smoking device and e-liquid manufacturers and products; and

(3) Establish penalties for manufacturers who fail to comply with the certification requirements and other parties who sell or offer for sale products that are not on the directory.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Health; State Health Planning and Development Agency; Hawaii COPD Coalition; The Friends of Kamalani and Lydgate Park; Hawaii Medical Association; Hawai'i Health & Harm Reduction Center; Hawai'i Public Health Institute; Hawai'i Chapter of the American Academy of Pediatrics; Hawai'i Pacific Health; Hawai'i Children's Action Network Speaks!; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance and four individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Family Smoking Prevention and Tobacco Control Act grants the United States Food and Drug Administration the power to regulate tobacco products, including e-cigarettes. Under the Family Smoking Prevention and Tobacco Control Act, manufacturers of new e-cigarette products must submit an application before the products may be marketed in the United States. The application is evaluated based on several factors, including whether permitting the marketing of a new tobacco product would be appropriate for the protection of the public health, which is determined with respect to the risks and benefits of the product to the population as a whole, including users and non-users. If an application is denied, the product is considered adulterated under federal law.

Your Committee further finds that as of December 2025, the United States Food and Drug Administration has only authorized thirty-nine tobacco and menthol flavored e-cigarette products, and the United States Food and Drug Administration has clearly stated that those are the only products that may be lawfully sold in the United States. Nonetheless, many e-cigarette products that lack an authorization from the United States Food and Drug Administration are still sold in the State. This measure provides a mechanism to further educate retailers on which products are in compliance with federal regulations and state laws and an enforcement mechanism to eliminate illegal products from the market in the State.

Your Committee has amended this measure by:

(1) Clarifying the prohibition on electronic smoking devices and e-liquids after the publication of the directory as follows:

(A) Clarifying that the prohibited conduct is acquiring, possessing, transporting, keeping, selling, or offering for sale prohibited electronic smoking devices and e-liquids;

(B) Deleting language that may be misinterpreted as providing an exception to the prohibition; and

(C) Clarifying that the penalties also apply to similar intermediaries;

(2) Specifying that the Department of the Attorney General has the authority to investigate or search vending machines; and

(3) 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 H.B. No. 1573, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 1573, H.D. 2.

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

SCOT Z. MATAYOSHI, Chair

State of Hawaii
House of Representatives
The Thirty-third Legislature

HSCR 686-26

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Committee Referral:	Date:
HB 1573 HD1	HLT, CPC, JHA	2/12/26

☐ 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. MATAYOSHI, Scot Z. (C)	✓			
2. GRANDINETTI, Tina Nakada (VC)	✓			
3. CHUN, Cory M.	✓			
4. ILAGAN, Greggor	✓			
5. ICHIYAMA, Linda	✓			
6. IWAMOTO, Kim Coco		✓		
7. KONG, Sam Satoru	✓			
8. LOWEN, Nicole E.	✓			
9. MARTEN, Lisa	✓			
10. TAM, Adrian K.				✓
11. PIERICK, Elijah	✓			
TOTAL (11)	9	1		1

The recommendation is: ☑ Adopted ☐ Not Adopted

If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: _____

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO