STAND. COM. REP. NO. 3781

Honolulu, Hawaii

APR 10 2026

RE: H.B. No. 1573
H.D. 3
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1573, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

(1) Require electronic smoking device and e-liquid manufacturers to certify to the Department of the Attorney General annually that the manufacturer 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 electronic smoking device and e-liquid manufacturers and products duly certified; and

(3) Establish penalties for manufacturers that fail to comply with the certification requirements and for other parties that acquire, possess, transport, keep, sell, or offer for sale products that are not in the directory.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of Health, State Health Planning and Development Agency, Hawai'i Public Health Institute, Coalition for a Drug-Free Hawaii, Hawai'i Pacific Health, Hawai'i Children's Action Network Speaks!, Hawaii Dental Association, Hawai'i Health & Harm Reduction Center, The Friends of Kamalani & Lydgate Park, Hawai'i Public Health Association, Hawaii Chapter of the American Academy of Pediatrics, and sixteen individuals.

Your Committees received testimony in opposition to this measure from the Hawaii Smokers Alliance and two individuals.

Your Committees find that the Family Smoking Prevention and Tobacco Control Act (TCA) grants the United States Food and Drug Administration (FDA) power to regulate tobacco products, including e-cigarettes. Under the TCA, manufacturers of new e-cigarette products must submit a Premarket Tobacco Product Application and receive a Marketing Granted Order (MGO) before the product may be legally marketed in the United States, and if they do not receive the MGO, the products are considered "adulterated" under federal law. Your Committees further find that as of March 13, 2026, the FDA has only authorized forty-one tobacco and menthol flavored e-cigarette products, which the FDA has clearly stated are the only products that may be lawfully sold in the United States. Although the Department of the Attorney General has made an active effort to educate tobacco retailers and distributors about the list of authorized FDA products, many e-cigarette products that lack a MGO from the FDA are still sold in the State. By establishing a state-managed directory, parallel and in alignment with federal FDA regulations, and granting the Department of the Attorney General power to enforce the directory, this measure will help to eliminate illegal tobacco products from the State's market.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1573, H.D. 3, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,

Ways and Means,

DONOVAN M. DELA CRUZ, Chair

KARL RHOADS, Chair

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1573 HD3 SD1	HMS/CPN, JDL/WAM	4/8/26

☐ The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☑ Pass, unamended 2312 ☐ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation: ☑ Adopted ☐ Not Adopted

Chair's or Designee's Signature:

Distribution: Original — File with Committee Report; Yellow — Committee; Pink — Drafting Agency

*Only one measure per Record of Votes

Revised: 01/02/26

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
HB1573 HD3, SD1	HHS/CPN, JDC/WAM	04/08/2026

☐ The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☒ Pass, unamended 2312 ☐ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
RICHARDS, III, Herbert M. "Tim"	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0

Recommendation: ☒ Adopted ☐ Not Adopted

Chair's or Designee's Signature:

Distribution: Original — File with Committee Report; Yellow — Committee; Pink — Drafting Agency

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Revised: 01/02/26