

Honolulu, Hawaii
, 2026

FEB 09

RE: H.B. No. 1563
H.D. 1

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

Madame:

Your Committee on Health, to which was referred H.B. No. 1563
entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Repeal existing law that provides that all local ordinances and regulations regulating the sale of cigarettes, tobacco products, and electronic smoking devices are preempted and that existing laws and regulations that conflict with the state law on smoking are null and void; and
- (2) Clarify that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices so long as they do not conflict and are more stringent than the state law on smoking.

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; one member from the Hawai'i County Council; Hawaii COPD Coalition; Hawaii Substance Abuse Coalition; Hina Mauka; Parents and Children Together; Mental



Health America of Hawai'i; Coalition for a Tobacco-Free Hawai'i; Hawai'i Pacific Health; Hawai'i Health & Harm Reduction Center; Coalition for a Tobacco-Free Hawai'i Youth Council; Hawaii Primary Care Association; Hawaii Medical Association; Hawai'i Children's Action Network Speaks!; American Heart Association; American Lung Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Cigar Association of American, Inc.; and seven individuals.

Your Committee finds that tobacco use remains the leading cause of preventable death in Hawaii and recent years have seen a precipitous increase in tobacco use and the use of electronic smoking devices by Hawaii's youth. Your Committee further finds that the counties are uniquely positioned to address the health needs of their communities and have historically been able to quickly adopt policies to address high tobacco usage in their communities. However existing law may create an ambiguity in the effectiveness of county ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices in their communities and may prevent legislation passed by the counties from taking effect. Your Committee believes that while the State remains committed to reducing the use of tobacco and e-cigarette products, particularly by Hawaii's youth, across the State, a more flexible regulatory system is needed at this time to address the unique needs of each county.

Your Committee has amended this measure by:

- (1) Repealing section 328J-11.5, Hawaii Revised Statutes, which establishes the regulation of the sale of cigarettes, tobacco products, and electronic smoking devices as a matter of statewide concern, in its entirety;
- (2) Deleting the savings clause;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1563, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1563, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Health,



GREG TAKAYAMA, Chair



