

ACT 189

H.B. NO. 605

A Bill for an Act Relating to Public Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a special fund needs to be established for the state fire council for administration of the reduced ignition propensity cigarette program. Money for the fund should come from the fees collected by the state fire council under the program as provided for in section 132C-4, Hawaii Revised Statutes. Since the program's implementation on September 30, 2009, approximately \$390,000 has been collected. The special fund will be used to, among other things, fund staff positions within the state fire council for an administrator and an assistant to execute the statutory duties of the program.

SECTION 2. Chapter 132C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§132C- Reduced ignition propensity cigarette program special fund. (a) There is established in the state treasury a reduced ignition propensity cigarette program special fund, into which shall be deposited all moneys collected by the state fire council from the reduced ignition propensity cigarette program pursuant to section 132C-4. All interest earned or accrued on moneys deposited in the fund shall become part of the fund.

(b) Moneys in the reduced ignition propensity cigarette program special fund shall be administered and expended by the state fire council to defray the actual cost of activities and requirements of section 132C-4, including employing one full-time administrator and one full-time assistant whose duties include:

- (1) Adopting administrative rules for program implementation, establishing compliance inspections, and approving forms and enforcement procedures and guidelines;
- (2) Receiving certifications for approximately six hundred different brands and styles of cigarettes from the manufacturers;
- (3) Compiling a list of the cigarette brands and styles for which manufacturers have submitted certifications, verifying tax stamp compliance with the department of the attorney general, and posting the list of certified brands and styles on a state website for informational purposes only;
- (4) Reviewing and approving, as needed, any alternative test methods or fire standard compliance markings submitted by the manufacturer; and
- (5) If needed, submitting certified cigarettes to an accredited laboratory for testing to verify that performance standards have been met.”

SECTION 3. Section 132C-4, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“[§132C-4] Certification; marking[-]; administration. (a) Each manufacturer shall submit to the state fire council written certification attesting that each cigarette has been tested in accordance with, and has met the performance standard required under section 132C-3. The description of each cigarette listed in the certification shall include:

- (1) The brand or trade name on the package;

- (2) Style, such as light or ultra light;
- (3) Length in millimeters;
- (4) Circumference in millimeters;
- (5) Flavor, such as menthol, if applicable;
- (6) Filter or nonfilter;
- (7) Package description, such as a soft pack or box;
- (8) The mark approved pursuant to subsection (b);
- (9) The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
- (10) The date that the testing occurred.

Each cigarette certified under this subsection shall be recertified every three years. For each cigarette listed in a certification, a manufacturer shall pay to the state fire council a \$375 fee[.] to be deposited into the reduced ignition propensity cigarette program special fund under section 132C-. The state fire council is authorized to annually adjust this fee to ensure it defrays the actual costs of the administration and staffing requirements and processing, testing, enforcement, inspection, and oversight activities required by this chapter.

The certifications shall be made available to the attorney general for purposes consistent with this chapter.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2011.

(Approved July 5, 2011.)

Note

1. Edited pursuant to HRS §23G-16.5.