
A BILL FOR AN ACT

RELATING TO FLAVORED TOBACCO PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there has been a
2 proliferation of flavored tobacco products in recent years.
3 Many of these products contain fruit, chocolate, honey, candy,
4 mint, cocoa, dessert, herb, spice, or other flavors that are
5 particularly attractive to children. According to public health
6 experts, children are more likely to choose flavored tobacco
7 when they start smoking or use other tobacco products, in part,
8 because the product names for flavored tobacco products are
9 similar to product names for candy, drinks, and other products
10 marketed directly to children.

11 The legislature further finds that the existence of these
12 products increases the incidence of tobacco use among children
13 and that the earlier that an individual begins using tobacco
14 products, the more likely he or she will become addicted to and
15 use them throughout his or her lifetime. As a result, flavored
16 tobacco products result in greater tobacco use, increased
17 addiction, a greater incidence of smoking and other tobacco-
18 related illnesses and deaths, and higher health care costs.



1 The purpose of this Act is to prohibit the sale and
2 distribution of flavored tobacco products because the
3 legislature finds that tobacco flavorings present a significant
4 threat to public health.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 **"CHAPTER**

9 **FLAVORED TOBACCO PRODUCTS**

10 **§ -1 Definitions.** As used in this part, unless the
11 context otherwise requires:

12 "Characterizing flavor" means a distinguishable taste or
13 aroma, other than tobacco, menthol, or clove, imparted either
14 prior to or during consumption.

15 "Chewing tobacco" means loose tobacco or a flat compressed
16 cake of tobacco a portion of which is inserted into the mouth.

17 "Component parts" includes but is not limited to the
18 tobacco, filter, and paper in a cigarette.

19 "Constituent" includes a smoke constituent.

20 "Smokeless tobacco" means chewing tobacco or tobacco snuff.



1 "Tobacco snuff" means a small amount of shredded, powdered,
2 or pulverized tobacco that may be inhaled through the nostrils,
3 chewed, or held in the mouth of an individual user.

4 **§ -2 Prohibition.** No person shall sell, offer for sale,
5 or distribute in this state or to any person in this state any
6 cigarette, smokeless tobacco product, or any component part
7 thereof containing a natural or artificial constituent or
8 additive that causes the cigarette or smokeless tobacco product
9 to have a characterizing flavor.

10 **§ -3 Remedies.** The attorney general may institute a
11 civil action in the name of the State in the circuit court for
12 an injunction prohibiting a violation of this section. The
13 court, upon notice to the defendant in compliance with the
14 Hawaii rules of civil procedure and upon proof that the
15 defendant has violated this section, may enjoin further sale or
16 distribution by the defendant. The court may impose a civil
17 penalty in an amount not to exceed \$5,000 for each violation.
18 The attorney general may recover costs and disbursements,
19 including costs of investigation and reasonable attorney's fees.
20 Nothing in this section shall preclude the State or any other
21 person from pursuing any other claims, remedies, or actions
22 available by law."



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. This Act shall take effect on January 1, 2007.



HB 2048 HD 1

Report Title:

Flavored Tobacco

Description:

Prohibits the sale and distribution of flavored tobacco products. (HB2048 HD1)

HB2048 HD1 HMS 2006-1999

