

---

---

# 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 marketed by cigarette  
3 manufacturers in recent years. Many of these products have  
4 fruit, chocolate, honey, candy, mint, cocoa, or other flavors  
5 that are particularly attractive to children. According to  
6 public health experts, children are more likely to choose  
7 flavored tobacco when they start smoking, in part, because the  
8 product names for flavored tobacco products are similar to  
9 product names for candy, drinks, and other products marketed  
10 directly to children.

11           The legislature further finds that the existence of these  
12 products promotes the incidence of smoking among children. The  
13 earlier an individual begins using tobacco products, the more  
14 likely he or she will become addicted to and use them throughout  
15 his or her lifetime. This presents a significant threat to  
16 public health and increases health care costs.



1 The purpose of this Act is to prevent children from smoking  
2 by prohibiting the sale and distribution of flavored cigarette  
3 products.

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

7 "CHAPTER

8 FLAVORED CIGARETTE PRODUCTS

9 § -1 **Definitions.** As used in this part, unless the  
10 context otherwise requires, the terms:

11 "Characterizing flavor" means any distinguishable taste or  
12 distinctive natural or artificial taste, flavor, smell, or  
13 aroma, other than tobacco or menthol, which emanates from or is  
14 imparted by the cigarette, the cigarette's smoke, or any of the  
15 cigarette's component parts at any time prior to or during  
16 consumption.

17 "Component parts" includes, but is not limited to, the  
18 tobacco, filter, roll, paper, or any natural or artificial  
19 substance or additive that is inserted or added to the tobacco,  
20 filter, roll, or paper.

21 "Constituent" means any essential part, component, or  
22 element.

1 "Distribute," "distributes," or "distribution" means to  
2 sell, ship, transfer, give, or deliver to another, or to leave,  
3 barter, or exchange with another, or to offer or agree to do the  
4 same.

5 "Entity" means one or more individuals, a company, a  
6 corporation, a partnership, an association, or any other type of  
7 legal entity.

8 "Sale" means every act of selling and includes any sale or  
9 act of selling that originates from any order that is placed or  
10 submitted by means of a telephonic or other method of voice  
11 transmission, the mail, or any other delivery service, to the  
12 Internet or other online service.

13 § -2 **Prohibition.** No entity shall sell, offer for sale,  
14 or distribute in this State or to any person in this State any  
15 cigarette or any component part thereof containing a natural or  
16 artificial constituent or additive that causes the cigarette, to  
17 have a characterizing flavor.

18 § -3 **Remedies.** The attorney general may institute a  
19 civil action in the name of the State in the circuit court for  
20 an injunction prohibiting a violation of this section. The  
21 court, upon notice to the defendant in compliance with the  
22 Hawaii rules of civil procedure, and upon proof that the

1 defendant has violated this section, may enjoin further sale or  
2 distribution by the defendant. Each act of sale or distribution  
3 in violation of this chapter shall be a separate violation and  
4 one for which the State shall not be required to furnish a bond.  
5 The court may impose a civil penalty in an amount not to exceed  
6 \$5,000 for each violation. The attorney general may recover  
7 costs and disbursements, including costs of investigation and  
8 reasonable attorney fees. Nothing in this section precludes the  
9 State or any other person from pursuing any other claims,  
10 remedies, or actions available by law."

11 SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14 SECTION 4. This Act shall take effect on approval.

SB2503,SD1

**Report Title:**

Flavored Tobacco; Cigarettes

**Description:**

Prohibits the sale and distribution of flavored cigarette products. (SD1)

