
A BILL FOR AN ACT

RELATING TO CIGARETTES.

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

1 SECTION 1. The legislature finds that cigarette sales in
2 the United States have been falling since 1998. To hold market
3 share, tobacco companies have launched an array of smoking
4 products. One new product offers cigarettes packaged in a box
5 approximately the size of a single lipstick package that contain
6 super slim or ultra slim cigarettes--cigarettes having a reduced
7 circumference smaller than that of a standard cigarette
8 circumference of twenty-five millimeters. These products were
9 initially marketed in the United States on October 9, 2008, by
10 Philip Morris USA.

11 According to the American Legacy Foundation, Virginia Slims
12 Super Slims Lights and Super Slims Ultra Lights, which are
13 packaged in pink and teal-colored lipstick-sized packs of twenty
14 cigarettes, are clearly designed to appeal to teenage girls.
15 The American Cancer Society, Cancer Action Network, American
16 Heart Association, American Lung Association, American Medical
17 Association, the Campaign for Tobacco-Free Kids, and two dozen



1 other health and women's groups have protested the pink and teal
2 purse packs and demanded their removal from shelves, saying
3 their introduction and marketing demonstrate that Philip Morris
4 USA shows contempt for women and their health by putting a pink
5 gloss on a product that causes lung cancer and heart disease,
6 two of the leading killers of women.

7 The purpose of this Act is to prohibit the sale or
8 distribution in Hawaii of cigarettes having a circumference of
9 less than twenty-five millimeters.

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

13 "§132- State fire council special fund. (a) There is
14 established within the state treasury a special fund to be known
15 as the state fire council special fund to be administered and
16 expended by the department of labor and industrial relations.

17 (b) The moneys in the special fund shall be used by the
18 state fire council to fund enforcement measures related to the
19 State's ban on the sale or distribution of cigarettes having a
20 circumference of less than twenty-five millimeters, or cigarette
21 package containing fewer than twenty cigarettes pursuant to
22 section 245- .



1 (c) Fees remitted pursuant to section 245- , interest
2 and investment earnings attributable to the moneys in the
3 special fund, legislative appropriations, and grants, donations,
4 and contributions from private or public sources for the
5 purposes of the fund, shall be deposited into the special fund.

6 (d) The department of labor and industrial relations shall
7 submit an annual report to the legislature no later than twenty
8 days prior to the convening of each regular session that
9 outlines the receipts of, and expenditures from, the special
10 fund."

11 SECTION 3. Chapter 245, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 **"§245- Cigarettes with a circumference of less than**
15 **twenty-five millimeters; sale or distribution prohibited; fines.**

16 (a) No cigarette having a circumference of less than twenty-
17 five millimeters shall be sold or distributed within the state
18 or imported into the state.

19 (b) The state fire council shall enforce this section and:

20 (1) May examine the books, papers, invoices, and other
21 records of any person in possession, control, or
22 occupancy of any premises where cigarettes are placed,



1 stored, sold or offered for sale, as well as the stock
2 of cigarettes on the premises to enforce the
3 provisions of this section, through its duly
4 authorized representatives, or the attorney general
5 and its duly authorized representatives, or other law
6 enforcement personnel. Every person in the
7 possession, control, or occupancy of any premises
8 where cigarettes are placed, sold or offered for sale,
9 shall give the state fire council, the attorney
10 general, their duly authorized representatives, and
11 other law enforcement personnel, the means,
12 facilities, and opportunity for the examinations
13 authorized by this paragraph; and

14 (2) May adopt rules pursuant to chapter 91 necessary to
15 effectuate the purposes of this section.

16 (c) Any person violating this section shall be subject to
17 a fine of not more than \$. A second or subsequent
18 violation shall be subject to a fine of not more than \$.

19 (d) Fines collected pursuant to subsection (b) shall be
20 used to fund the state fire council's enforcement of this
21 section and deposited into the state fire council special fund
22 established under section 132- ."



1 SECTION 4. 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 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2020.



Report Title:

Cigarettes Less Than 25 Millimeters in Circumference

Description:

Prohibits sale, distribution of cigarettes with a circumference of less than 25 millimeters. Imposed fines to be deposited into the State Fire Council Special Fund to fund enforcement. (HB327 HD1)

