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# A BILL FOR AN ACT

RELATING TO REDUCED IGNITION PROPENSITY CIGARETTES.

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

1           SECTION 1. Section 132C-4, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4           "~~§~~**132C-4**~~]~~ **Certification; marking~~[-]~~; revolving fund.**

5           (a) Each manufacturer shall submit to the state fire council  
6 written certification attesting that each cigarette has been  
7 tested in accordance with, and has met the performance standard  
8 required under section 132C-3. The description of each  
9 cigarette listed in the certification shall include:

- 10           (1) The brand or trade name on the package;
- 11           (2) Style, such as light or ultra light;
- 12           (3) Length in millimeters;
- 13           (4) Circumference in millimeters;
- 14           (5) Flavor, such as menthol, if applicable;
- 15           (6) Filter or nonfilter;
- 16           (7) Package description, such as a soft pack or box;
- 17           (8) The mark approved pursuant to subsection (b);



1 (9) The name, address, and telephone number of the  
2 laboratory, if different than the manufacturer that  
3 conducted the test; and

4 (10) The date that the testing occurred.

5 Each cigarette certified under this subsection shall be  
6 recertified every three years. For each cigarette listed in a  
7 certification, a manufacturer shall pay to the state fire  
8 council a \$375 fee. The fees shall be deposited into a special  
9 revolving fund hereby created within the state treasury and to  
10 be administered by the state fire council. Moneys from the  
11 special revolving fund shall be expended only to hire personnel  
12 to administer the reduced ignition propensity cigarette program  
13 and to cover any costs associated with the program, including  
14 processing, testing, enforcement, inspections, and oversight.

15 The state fire council is authorized to annually adjust this fee  
16 to ensure it defrays the actual costs of the administration,  
17 processing, testing, enforcement, inspection, and oversight  
18 activities required by this chapter.

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

21 SECTION 2. Section 132C-8, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "~~§~~**§132C-8**~~[+]~~ **Existing inventories; consumer testing.**

2   The requirement that cigarettes sold in Hawaii must be in  
3   compliance with this chapter shall not prohibit:

4           (1)   Wholesalers or dealers from selling existing cigarette  
5               inventories on or after September 30, [~~2009,~~] 2010;  
6               provided that the wholesaler or dealer can establish  
7               both of the following to the satisfaction of the state  
8               fire council:

9               (A)   The Hawaii tax stamps were affixed to the  
10               cigarettes pursuant to chapter 245 prior to  
11               September 30, [~~2009,~~] 2010; and

12               (B)   The inventory was purchased prior to September  
13               30, [~~2009,~~] 2010, and the purchased inventory is  
14               comparable to the amount of inventory purchased  
15               during the same period the previous year; or

16           (2)   The sale of cigarettes solely for the purpose of  
17               consumer testing. For the purposes of this paragraph,  
18               the term "consumer testing" means an assessment of  
19               cigarettes that is conducted by or under the control  
20               and direction of a manufacturer for the purpose of  
21               evaluating consumer acceptance of cigarettes, using  
22               only the quantity of cigarettes that is reasonably



1           necessary for the assessment, and in a controlled  
2           setting where the cigarettes are either consumed on-  
3           site or returned to the testing administrators at the  
4           conclusion of the testing."

5           SECTION 3. Act 218, Session Laws of Hawaii 2008, is  
6           amended by amending section 6 to read as follows:

7           "SECTION 6. This Act shall take effect on September 30,  
8           ~~[2009,]~~ 2010, and shall be implemented to coincide with the  
9           excise tax incremental increase on cigarettes effective  
10          September 30, ~~[2009,]~~ 2010, pursuant to section 245-3, Hawaii  
11          Revised Statutes; provided that section 4 shall take effect upon  
12          approval of this Act; provided further that section [~~5(1),~~  
13          132C-5(1), Hawaii Revised Statutes, shall take effect upon  
14          approval of this Act."

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

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



**Report Title:**

Reduced Ignition Propensity Cigarettes; Certification; Revolving Fund

**Description:**

Delays implementation of the reduced ignition propensity cigarettes law to 09/30/2010. Creates a special revolving fund to receive deposits of cigarette certification fees. Authorizes the state fire council to expend moneys from the fund to cover the reduced ignition propensity cigarettes personnel and program costs. (HB686 HD1)

