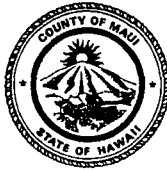


HB 686

**CHARMAINE TAVARES
MAYOR**



**JEFFREY A. MURRAY
CHIEF**

**ROBERT M. SHIMADA
DEPUTY CHIEF**

**COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY**

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

April 7, 2009

The Honorable Donna Mercado Kim, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 210
Honolulu, Hawaii 96813

Dear Chair Kim:

Subject: H.B. 686, H.D. 1, S.D. 1 Relating to Reduced Ignition Propensity Cigarettes (RIPC)

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire and Public Safety (DOFAPS) and a Member of the State Fire Council (SFC). The DOFAPS and the SFC support H.B. 686, H.D. 1, S.D. 1, which proposes to extend the RIPC compliance date from September 30, 2009, to September 30, 2010. The bill also seeks to establish a special revolving fund with cigarette certification fees to be administered by the SFC. The SFC respectfully recommends revising the effective date in Section 5 to "upon its approval."

The special revolving fund will be expended only for costs associated with the RIPC program and hiring of personnel to administer and accomplish the following:

1. Adopt administrative rules for program implementation, and establish compliance inspections, approved forms, and enforcement procedures and guidelines.
2. Receive, verify, and approve certifications for approximately 1,100 different cigarette brands from manufacturers.
3. Compile a list of the approved brands, verify state tax compliance with the State Department of the Attorney General, and post it on a state website.
4. Review and approve, as needed, alternative test methods or fire standard compliance markings submitted by a manufacturer.

The Honorable Donna Mercado Kim, Chair
Page 2
April 7, 2009

5. Submit the compliance testing to an accredited laboratory to verify that all performance standards have been met, if needed.

The purpose of Chapter 132C of the Hawaii Revised Statutes (formerly Act 218 of the 2008 Session Laws of Hawaii) is to reduce fires caused by cigarettes by requiring that only RIPC be sold in the state. In accordance with the law, cigarette manufacturers are assessed a \$375 fee triennially for each brand of cigarette in order for the SFC to implement and administer the program. Twenty-two states have similar legislation in effect, and 16 states have passed legislation to implement the program. The State Fire Marshal's (SFM) Office for these states is responsible for the program and works cooperatively with their Attorney General.

Hawaii, the only state without a SFM, has the SFC. The SFC's staff consists of one part-time employee funded by the State Department of Labor and Industrial Relations. That employee is already tasked with other council duties, including application and administration of training grants, adoption of the state fire code, and coordination of meetings, travel, and other daily duties.

The DOFAPS and the SFC urge your committee's support on the passage of H.B. 686, H.D. 1, S.D. 1, with the recommended revision. This measure will reduce the number of fires caused by cigarettes in our state.

Should you have any questions, please call Honolulu Fire Department's Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,


JEFFREY A. MURRAY
Fire Chief

JAM:rkm



COALITION FOR A
TOBACCO-FREE HAWAII

To: Senator Donna Mercado Kim, Chair, Senate Committee on Ways and Means
Senator Shan S. Tsutsui, Vice Chair, Senate Committee on Ways and Means
Members, Senate Committee on Ways and Means
From: Trisha Y. Nakamura, Policy and Advocacy Director
Date: April 7, 2009
DM: Senate Committee on WAM; April 8, 2009 at 10:30 a.m.; Rm 211
Re: **Support for HB 686, HD 1, SD 1 Relating to Reduced Ignition Propensity Cigarettes**

Thank you for the opportunity to comment in support of HB 686, HD 1, SD 1 which delays the implementation of the reduced ignition propensity cigarettes law (Act 218 of the 2008 Session Laws of Hawaii).

The Coalition for a Tobacco Free Hawaii (Coalition) is the only independent organization in Hawaii whose sole mission is to reduce tobacco use through education, policy and advocacy. The Coalition provides leadership for the tobacco control community, develops networks, helps coordinate tobacco control programs and builds community awareness.

In 2008, the Coalition testified in support of HB 2438, the measure that became the reduced ignition cigarettes law. Reduced ignition propensity cigarettes will reduce harms caused by cigarette-smoking. Here, a reduction in the number of cigarette fires which are the leading causes of fire deaths and property damage in the United States.

The Coalition appreciates the Legislature's current effort to ensure thorough and appropriate implementation of the reduced ignition propensity cigarettes law by the State Fire Council. HB 686, HD 1, SD 1 aims to ensure that the State Fire Council is adequately equipped and funded to administer the reduced ignition propensity cigarette program and ensure proper enforcement of the law.

Thank you for the opportunity to provide comments in support of this measure.

WRITTEN ONLY

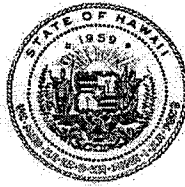
TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
HOUSE BILL NO. 686, H.D. 1, S.D. 1

April 8, 2009

RELATING TO REDUCED IGNITION PROPENSITY CIGARETTES

House Bill No. 686, H.D. 1, S.D. 1, delays the implementation of the reduced ignition propensity cigarettes law to September 30, 2010, and creates a special revolving fund to receive a \$375 fee every three years from the manufacturer for certification testing and authorizes the State Fire Council to expend the funds to cover the personnel and program costs.

We have concerns with this bill. As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 and 37-53.4 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. Although the State Fire Council is authorized to annually adjust the certification fee, it is difficult to determine whether the fund will be self-sustaining.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
State Fire Council
830 Punchbowl Street
Honolulu, Hawaii 96813

April 7, 2009

The Honorable Donna Mercado Kim, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 210
Honolulu, Hawaii 96813

Dear Chair Kim:

Subject: H.B. 686, H.D. 1, S.D. 1 Relating to Reduced Ignition Propensity Cigarettes (RIPC)

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 686, H.D. 1, S.D. 1, which proposes to extend the RIPC compliance date from September 30, 2009, to September 30, 2010. The bill also seeks to establish a special revolving fund with cigarette certification fees to be administered by the SFC. The SFC respectfully recommends revising the effective date in Section 5 to "upon its approval."

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The Honorable Donna Mercado Kim, Chair

Page 2

April 7, 2009

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The SFC and the HFD urge your committee's support on the passage of H.B. 686, H.D. 1, S.D. 1, with the recommended revision. This measure will reduce the number of fires caused by cigarettes in our state.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:bh