

JAN 16 2014

A BILL FOR AN ACT

RELATING TO TOBACCO.

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

1 SECTION 1. Chapter 328J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§328J-~~ Prohibition on sale of flavored tobacco
5 products. (a) The sale of flavored tobacco products shall be
6 prohibited.

7 (b) For purposes of this section:

8 "Characterizing flavor" means a distinguishable taste or
9 aroma, other than the taste or aroma of tobacco, menthol, mint,
10 or wintergreen, imparted prior to or during consumption of a
11 tobacco product or component part. The term "characterizing
12 flavor" includes:

13 (1) Tastes or aromas relating to any fruit, chocolate,
14 vanilla, honey, candy, cocoa, dessert, alcoholic
15 beverage, herb, or spice; and

16 (2) Concepts including spicy, arctic, ice, cool, warm,
17 hot, mellow, fresh, and breeze.



1 No tobacco product shall be deemed to have a characterizing
2 flavor solely because of the use of additives or flavorings or
3 the provision of ingredient information.

4 "Cigarette" shall have the same meaning as in section
5 486P-1.

6 "Component part" means any element of a tobacco product,
7 including the tobacco, filter, and paper, but excluding any
8 constituent.

9 "Constituent" means any ingredient, substance, chemical, or
10 compound, other than tobacco, water, or reconstituted tobacco
11 sheet, including a smoke constituent, that is added by the
12 manufacturer to a tobacco product during the processing,
13 manufacturing, or packing of the tobacco product.

14 "Flavored tobacco product" means any tobacco product or any
15 component part of the product that contains a constituent that
16 imparts a characterizing flavor. A public statement or claim
17 made or disseminated by the manufacturer of a tobacco product,
18 or by any person authorized or permitted by the manufacturer to
19 make or disseminate public statements concerning the tobacco
20 product, that the tobacco product has or produces a
21 characterizing flavor shall constitute presumptive evidence that
22 the tobacco product is a flavored tobacco product.



1 "Smoke constituent" means any chemical or chemical compound
2 in mainstream or side stream tobacco smoke that transfers from
3 any component of the tobacco product to the smoke or that is
4 formed by the combustion or heating of tobacco, additives, or
5 other components of the tobacco product.

6 "Tobacco product" means any product containing tobacco or
7 nicotine, including cigarettes, cigars, pipe tobacco, snuff,
8 chewing tobacco, dipping tobacco, bidis, snus, dissolvable
9 tobacco products, and electronic smoking devices as defined in
10 section 709-908(5). The term "tobacco product" excludes:

11 (1) Cigarettes that are subject to the special rule for
12 cigarettes relating to characterizing flavors of the
13 federal Family Smoking and Tobacco Prevention Act; and

14 (2) Any product that has been approved by the United
15 States Food and Drug Administration pursuant to its
16 authority over drugs.

17 (c) In lieu of the penalties under section 328J-12, any
18 person who violates this section shall be fined as follows:

19 (1) \$250 for the first offense;

20 (2) \$350 for the second offense; and

21 (3) \$500 for the third and subsequent offenses."

22 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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S.B. NO. 2212

Report Title:

Tobacco; Flavored Tobacco Products

Description:

Prohibits the sale of flavored tobacco products.

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