

# SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 3 Date MAR 04 2014

TO: S.B. No. 2495, S.D. 2

SECTION 1. S.B. No. 2495, S.D. 2, section 1, is amended by amending page 2, line 9, through page 3, line 19, to read as follows:

"Accordingly, the purpose of this Act is to:

- (1) Include electronic smoking devices within the definition of "tobacco products" under chapter 245, Hawaii Revised Statutes, thereby:
  - (A) Subjecting wholesalers and dealers of electronic smoking devices to the same licensing requirements as wholesalers and dealers of cigarettes and other tobacco products; and
  - (B) Subjecting retailers of electronic smoking devices to the same permitting requirements as retailers of cigarettes and other tobacco products;
- (2) Establish an excise tax on electronic smoking devices of an unspecified per cent of the wholesale price of each electronic smoking device kit, electronic smoking device nicotine cartridge, or electronic smoking device nicotine refill sold, used, or possessed by a wholesaler or dealer on or after October 1, 2014; and
- (3) Amend Hawaii's anti-smoking statute to prohibit the use of electronic smoking devices in places open to the public and places of employment."

SECTION 2. S.B. No. 2495, S.D. 2, is amended by deleting sections 3 and 4.

SECTION 3. S.B. No. 2495, S.D. 2, is amended as follows:

1. By renumbering section 5 as section 3.
2. By amending section 3 to amend section 245-3(a)(12), Hawaii Revised Statutes, to correct a drafting error and to read:

"(12) An excise tax equal to seventy per cent of the wholesale price of each article or item of tobacco products, other than large cigars, electronic smoking device kits, electronic smoking device nicotine cartridges, or electronic smoking device nicotine refills, sold by the wholesaler or dealer on and after September 30, 2009, whether or not sold at wholesale,



or if not sold then at the same rate upon the use by the wholesaler or dealer; [and] "

SECTION 4. S.B. No. 2495, S.D. 2, is amended by renumbering section 6 as section 4.

SECTION 5. S.B. No. 2495, S.D. 2, is amended by deleting sections 7 and 8.

SECTION 6. S.B. No. 2495, S.D. 2, is amended by renumbering section 9 as section 5.

SECTION 7. S.B. No. 2495, S.D. 2, is amended as follows:

1. By renumbering section 10 as section 6.
2. By amending section 6 to read:

"SECTION 6. This Act shall take effect on July 1, 2050; provided that sections 2 and 3 of this Act shall take effect on January 1, 2015."

Offered by: Randy H. Baker (  ) Carried

(  ) Failed to Carry

(  ) Withdrawn

