

STAND. COM. REP. NO.

853

Honolulu, Hawaii

March 1, 2013

RE: H.B. No. 672
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 672, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to reduce the number of minors and youth who smoke, by:

- (1) Restricting the placement of cigarettes and tobacco products at certain locations where such products are sold;
- (2) Defining "electronic smoking device"; and
- (3) Prohibiting the sale of electronic smoking devices to minors under the age of eighteen.

The Coalition for a Tobacco-Free Hawaii, Hawaii Pacific American Cancer Society Cancer Action Network, and numerous individuals testified in support of this measure. The Department of Health testified in support of the intent of this measure. The Department of the Attorney General, Hawaii Cigar Association, Kauai Cigar Company, Volcano Fine Electronic Cigarettes, and numerous individuals testified in opposition to this measure. One individual provided comments.



During the hearing your Committee received testimony in opposition from the Department of the Attorney General concerning language which prohibited the placement of cigarettes and tobacco products at certain locations where such products are sold. The Department of the Attorney General testified that the inclusion of such language would negate the ability of the tobacco enforcement division to conduct investigations and thoroughly assess whether or not cigarette vendors have fully complied with the cigarette stamp and other laws and as such this provision while well intended may create an opportunity for more egregious behaviors by bad actors. Therefore, your Committee has amended this measure by:

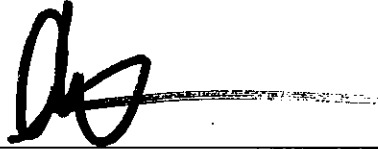
- (1) Deleting the language that restricts the placement of cigarettes and tobacco products at certain locations where such products are sold;
- (2) Specifying the prohibiting the sale or furnishing of tobacco products or vapor products to minors and the purchase of those products by minors;
- (3) Including both tobacco products and vapor products in the notice of prohibited sale to minors required at or near the point of sale;
- (4) Deleting the definitions of "electronic smoking device" and "tobacco";
- (5) Adding definitions of "tobacco product" and "vapor product"; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 672, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 672, H.D. 2.

Respectfully submitted on
behalf of the members of the



Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



