

---

---

## A BILL FOR AN ACT

RELATING TO PREMIUM CIGARS.

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

1           SECTION 1. The legislature finds that premium cigar  
2 sellers whose products are made for adult consumers, including  
3 cigars produced with Hawaii-grown tobacco, have been unfairly  
4 burdened by a self-service display ban. The legislature finds  
5 that the United States Food and Drug Administration's proposed  
6 rules defining premium cigars provides helpful guidance by  
7 recognizing that premium cigars are fundamentally different than  
8 other tobacco products and should be exempt from onerous  
9 regulations and restrictions.

10           The purpose of this Act is to ease the unfair burden on the  
11 local premium cigar industry, which has been put at a  
12 competitive disadvantage by a self-service display ban, and to  
13 bring Hawaii's tobacco regulations into parity with the new  
14 rules proposed by the United States Food and Drug  
15 Administration.

16           SECTION 2. Section 245-1, Hawaii Revised Statutes, is  
17 amended as follows:



1           1. By adding two new definitions to be appropriately  
2 inserted and to read as follows:

3           "Characterizing flavor":

4           (1) Means a distinguishable taste or aroma of candy,  
5                 chocolate, vanilla, fruit, berry, nut, herb, spice,  
6                 honey, or an alcoholic drink that is imparted to  
7                 tobacco or tobacco smoke either prior to or during  
8                 consumption; and

9           (2) Does not include a taste or aroma from tobacco.

10          "Premium cigar" means a cigar that:

11          (1) Is wrapped in whole tobacco leaf;

12          (2) Contains a one-hundred per cent leaf tobacco binder;

13          (3) Contains primarily long filler tobacco;

14          (4) Is made by manually combining the wrapper, filler, and  
15                 binder;

16          (5) Has no filter, tip, or non-tobacco mouthpiece and is  
17                 capped by hand;

18          (6) Does not have a characterizing flavor other than  
19                 tobacco and is not advertised or marketed as having or  
20                 producing a characterizing flavor; and

21          (7) Weights more than six pounds per one thousand units."



1           2. By amending the definition of "tobacco products" to  
2 read:

3            "Tobacco products" means tobacco in any form, other than  
4 cigarettes or little cigars, that is prepared or intended for  
5 consumption or for personal use by humans, including large and  
6 premium cigars and any substitutes thereof other than cigarettes  
7 that bear the semblance thereof, snuff, chewing or smokeless  
8 tobacco, and smoking or pipe tobacco."

9           SECTION 3. Section 328J-1, Hawaii Revised Statutes, is  
10 amended by adding a new definition to be appropriately inserted  
11 and to read as follows:

12           "Premium cigar" means a cigar that:

- 13           (1) Is wrapped in whole tobacco leaf;  
14           (2) Contains a one-hundred per cent leaf tobacco binder;  
15           (3) Contains primarily long filler tobacco;  
16           (4) Is made by manually combining the wrapper, filler, and  
17           binder;  
18           (5) Has no filter, tip, or non-tobacco mouthpiece and is  
19           capped by hand;  
20           (6) Does not have a characterizing flavor other than  
21           tobacco; and



1        (7) Weighs more than six pounds per one thousand units.".

2        SECTION 4. Section 328J-18, Hawaii Revised Statutes, is  
3 amended by amending subsection (b) to read as follows:

4        "(b) This section shall not apply to:

5        (1) A duty-free sales enterprise selling duty-free  
6 merchandise in accordance with the provisions of title  
7 19 United States Code section 1555(b), and any  
8 implementing regulations; [~~and~~]

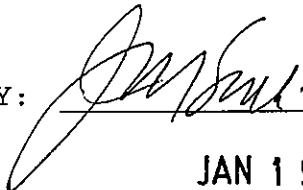
9        (2) Retail tobacco stores, bars, or any other  
10 establishment for which the minimum age for admission  
11 is eighteen[-]; and

12        (3) Premium cigars."

13        SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15        SECTION 6. This Act shall take effect upon its approval  
16 and shall apply to the sale of tobacco products occurring after  
17 July 1, 2016.

18

INTRODUCED BY:   
JAN 19 2016



# H.B. NO. 1614

**Report Title:**

Tobacco; Premium Cigars

**Description:**

Adds a new definition of premium cigar. Exempts premium cigars from the self-service display ban.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

