

JAN 21 2016

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



S.B. NO. 2134

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.

