

S.B. NO. 2929

JAN 27 2016

A BILL FOR AN ACT

RELATING TO CIGARETTE SHIPPING LABELS.

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

1 SECTION 1. Section 245-16, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) This section shall not apply to the shipment of
4 cigarettes if any of the following conditions are met:

5 (1) The cigarettes are exempt from taxes as provided by
6 section 245-3(b) or are otherwise exempt from the
7 applicability of this chapter as provided by section
8 245-62;

9 (2) All applicable Hawaii taxes on the cigarettes are paid
10 in accordance with the requirements of this chapter;
11 or

12 (3) The person or entity engaged in the business of
13 selling, advertising, or offering cigarettes for sale
14 and transfer or shipment:

15 (A) Has fully complied with all of the requirements
16 of chapter 10A (commencing with section 375) of
17 title 15 of the United States Code, otherwise
18 known as the Jenkins Act; and

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1 (B) Includes on the outside of the shipping container
 2 an externally visible and easily legible notice
 3 located on the same side of the shipping
 4 container as the address to which the shipping
 5 container is delivered stating as follows:
 6 "CIGARETTES: HAWAII LAW PROHIBITS THE SALE OF
 7 CIGARETTES TO INDIVIDUALS UNDER [~~EIGHTEEN~~]
 8 TWENTY-ONE YEARS OF AGE AND REQUIRES THE PAYMENT
 9 OF ALL APPLICABLE TAXES. YOU ARE LEGALLY
 10 RESPONSIBLE FOR ALL APPLICABLE UNPAID TAXES ON
 11 THESE CIGARETTES."

12 SECTION 2. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

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

INTRODUCED BY: 

BY REQUEST

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Report Title:

Cigarette Tax and Tobacco Tax; Legal Notice on Cigarette
Shipping Containers

Description:

Amends the legal notice required on cigarette shipping
containers to reference the age of twenty-one rather than the
age of eighteen.

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

JUSTIFICATION SHEET

DEPARTMENT: Taxation

TITLE: A BILL FOR AN ACT RELATING TO CIGARETTE SHIPPING LABELS.

PURPOSE: To make a technical amendment to section 245-16(b)(3)(B), Hawaii Revised Statutes (HRS), updating the required disclaimer to reference the age of twenty-one rather than the age of eighteen on cigarette shipping labels.

MEANS: Amend section 245-16(b), HRS.

JUSTIFICATION: The legal age for the purchase of cigarettes in Hawaii was raised from eighteen to twenty-one. This measure makes a conforming technical amendment to the cigarette and tobacco tax law which references the legal age for the purchase of cigarettes.

Impact on the public: This amendment will require the legal notice under section 245-16(b)(3)(B), HRS, to reflect the correct legal age for the purchase of cigarettes, positively impacting the public by requiring a legally accurate notice.

Impact on the department and other agencies: This amendment merely makes a technical conforming amendment to the law and will have no impact on the department's or other agencies' operations.

GENERAL FUND: None.

OTHER FUNDS: None.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.