

Honolulu, Hawaii

APR 27 , 2018

RE: H.B. No. 1895
H.D. 1
S.D. 1
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1895, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to appropriate funds to assist the Department of Health.

More specifically, this measure:

- (1) Requires the Department of Health to establish two full-time equivalent (2.0 FTE) permanent surveyor positions and one full-time equivalent (1.0 FTE) permanent supervisor position to review, certify, and recertify dialysis centers and other health care facilities under the Department's purview; and



- (2) Makes appropriations to the Department of Health out of the general fund, including an appropriation from moneys in the treasury received from federal funds.

Your Committee on Conference finds that the additional resources provided by this measure to the Department of Health will facilitate the review, certification, and recertification of dialysis centers and other health care facilities under the Department's purview. The Department of Health has indicated that the Department, through its Office of Health Care Assurance (OHCA), will request from the U.S. Centers for Medicare and Medicaid Services (CMS) federal funds for federal fiscal year 2019, which begins on October 1, 2018. OHCA conducts federal surveys (inspections) on Medicare certified dialysis centers and other health care facilities in Hawaii on behalf of CMS and annually receives federal funds of approximately eighty percent of the cost to conduct these surveys. Your Committee on Conference notes that the CMS Regional Office in San Francisco has expressed support for this measure; thus, it appears that the State is well-positioned to secure additional federal funds for the Department of Health to conduct federal surveys and to safeguard the health, safety, and welfare of dialysis patients in the State.

Your Committee on Conference wishes to address an additional public health issue in this measure, and finds that the use of electronic smoking devices, also known as e-cigarettes, is proliferating and that the electronic smoking device industry is rapidly expanding. According to a 2016 report by the United States Surgeon General, e-cigarette use among the nation's youth and young adults has become a major public health concern. For these reasons, your Committee on Conference finds it necessary, as a matter of statewide concern, to regulate the sale of cigarettes, tobacco products, and electronic smoking devices in a uniform and exclusive manner.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Deleting the measure's preamble;
- (2) Establishing the remaining sections, except for the effective date section, as Part I;
- (3) Deleting from the appropriation to the Department of Health in Part I language that references moneys in the treasury received from federal funds;



- (4) Changing the appropriations to the Department of Health from unspecified amounts to \$157,500 and \$150,000, respectively;
- (5) Inserting a Part II and adding provisions that address the retail sale of tobacco products and electronic smoking devices, including:
 - (A) Establishing within the Department of the Attorney General the Electronic Smoking Device Retailer Registration Unit, requiring retailers of electronic smoking devices to register with the unit, and authorizing the unit to charge a fee for registration and a certificate to sell electronic smoking devices at retail;
 - (B) Restricting the display of cigarettes and tobacco products within a retailer's establishment to certain locations within the establishment;
 - (C) Requiring that retailers of tobacco products or electronic smoking devices check the identification of tobacco or electronic smoking device purchasers who reasonably appear to be under twenty-seven years of age;
 - (D) Prohibiting the purchase or possession of any tobacco product or electronic smoking device by a person under the age of twenty-one and establishing penalties for violations;
 - (E) Establishing procedures for the forfeiture and destruction of tobacco products and electronic smoking devices under certain circumstances; and
 - (F) Prohibiting delivery sales of electronic smoking devices to persons under twenty-one years of age; and
- (6) Changing the effective date from July 1, 2035, to July 1, 2018.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1895, H.D. 1, S.D. 1, as amended herein, and recommends



H.B. No. 1895, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1895, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Rosalyn H. Baker

ROSALYN H. BAKER
Chair

Brickwood Galuteria

BRICKWOOD GALUTERIA
Co-Chair

John M. Mizuno

JOHN M. MIZUNO
Co-Chair

Roy M. Takumi

ROY M. TAKUMI
Co-Chair

Bertrand Kobayashi

For

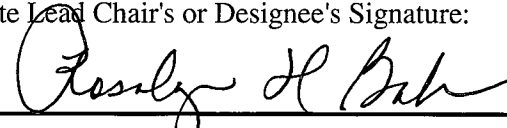
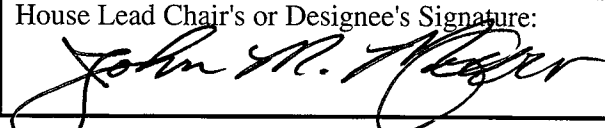
BERTRAND KOBAYASHI
Co-Chair



Hawaii State Legislature

CCR 170-18

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 1895, HD 1, SD 1					Date/Time: 4-27-2018 9:06a						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD). <input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
BAKER, Rosalyn H., Chr.		✓	✓			MIZUNO, John M., Co-Chr.		✓	✓		
GALUTERIA, Brickwood, Co-Chr.		✓	✓			TAKUMI, Roy M., Co-Chr.		✓	✓		
IHARA, Les, Jr.		✓	✓			KOBAYASHI, Bertrand, Co-Chr.		✓	✓		
						TUPOLA, Andria P.L.					✓
TOTAL		3	-	-	-	TOTAL		3	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:		Original			Yellow		Pink		Goldenrod		
		File with Conference Committee Report			House Clerk's Office		Senate Clerk's Office		Drafting Agency		