

STAND. COM. REP. NO.

639

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 276

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 276, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Ban the sale or distribution of all flavored tobacco products and electronic smoking device products, except menthol or mentholated tobacco products, in the State; and
- (2) Penalize the mislabeling, sale, or marketing of any e-liquid product that contains nicotine as nicotine free.

The Department of Education, Office of the Prosecuting Attorney of the County of Hawai'i, Honolulu Police Department, District 3 Council Member of the Hawai'i County Council, Council Chair of the Maui County Council, Hawaii Youth Services Network, Kapi'olani Medical Center for Women & Children, Coalition for a Drug-Free Hawaii, Bridge Club Hawaii, We Are One, Inc., Hawaii COPD Coalition, Hawaii Primary Care Association, Hawaii Dental Hygienists' Association, The Man Cave, Blue Zones Project-Hawaii, Hawai'i Pacific Health, Hawaii Public Health Association, Student Health Advisory Council, Hale 'Ōpio Kaua'i, Hawaii Petroleum

HB276 HD2 HSCR CPC HMS 2019-2256



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Marketers Association, Waianae Coast Comprehensive Health Center, Hawaii State Teachers Association, American Heart Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Coalition for a Tobacco-Free Hawai'i, Pediatric Therapies Hawaii, Emma Whitney Photography, The Root Cellar Studio Maui, AAUW Windward, and numerous individuals testified in support of this measure.

HI Lyfe Vaporz, VOLCANO Fire Electronic Cigarettes, Irie Hawaii Stores, Retail Merchants of Hawaii, Cigar Association of America, Inc., Hawaii Smokers Alliance, and many individuals testified in opposition.

The Department of the Attorney General and Hawaii Food Industry Association provided comments.

Your Committee has amended this measure by:

- (1) Inserting language prohibiting the sale of cigarettes, tobacco products, electronic smoking devices, or e-liquids that:
 - (A) Are in violation of United States Food and Drug Administration requirements on labeling and warnings; or
 - (B) Appear to be marketed toward children;
- (2) Clarifying that the penalty for the first offense in violation of the prohibition of the sale or distribution of all flavored tobacco products to be a fine not exceeding \$500; and
- (3) Making technical, nonsubstantive amendments for 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. 276, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 276, H.D. 2.



WMA

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,

T. Takumi

ROY M. TAKUMI, Chair



