

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO LITTER CONTROL.

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

1           SECTION 1. Chapter 245, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§245-           Cigarette litter abatement fee. (a) In  
5 addition to any tax established by law, each wholesaler or  
6 dealer shall pay a cigarette litter abatement fee equal to  
7 \$                   for each cigarette sold, used, or possessed by a  
8 wholesaler or dealer on and after July 1, 2020, whether or not  
9 sold at wholesale, or if not sold then at the same rate upon the  
10 use by the wholesaler or dealer. The fee shall be applied  
11 through the use of stamps.

12           (b) When the fee imposed has been paid on cigarettes that  
13 thereafter become the subject of a casualty loss deduction  
14 allowable under chapter 235, the fee paid shall be refunded or  
15 credited to the account of the wholesaler or dealer.

16           (c) The limitations on taxes provided by section 245-3(b)  
17 shall also apply to the fee established by this section.



1        (d) All moneys collected pursuant to this section shall be  
2 deposited into the cigarette litter abatement special fund  
3 established pursuant to section 339- ."

4        SECTION 2. Chapter 339, Hawaii Revised Statutes, is  
5 amended by adding a new section to part I to be appropriately  
6 designated and to read as follows:

7        "§339-        Cigarette litter abatement special fund;  
8 established. (a) There is established the cigarette litter  
9 abatement special fund, into which shall be deposited:

10        (1) Moneys collected from the cigarette litter abatement  
11 fee established by section 245- ;

12        (2) Legislative appropriations; and

13        (3) Gifts, donations, and grants from public agencies and  
14 private persons.

15        (b) All interest earned or accrued on moneys deposited in  
16 the cigarette litter abatement special fund shall become part of  
17 the fund. The fund shall be administered and expended by the  
18 department of health for the purposes described in subsection

19 (c).

20        (c) The department may expend moneys from the fund:



- 1        (1) To refund any overpayment of the cigarette litter
- 2                abatement fee;
- 3        (2) On outreach and education to curb improper cigarette
- 4                litter disposal;
- 5        (3) For costs to collect and remove cigarette litter from
- 6                public lands and public spaces; and
- 7        (4) To reimburse a county for costs that county incurs
- 8                from collecting and removing cigarette litter on
- 9                public lands and public spaces within its control,
- 10               pursuant to rules adopted by the department pursuant
- 11               to section 339-2(a)."

12            SECTION 3. Section 245-15, Hawaii Revised Statutes, is  
13 amended to read as follows:

14            "**§245-15 Disposition of revenues.** All moneys collected  
15 pursuant to this chapter, except the cigarette litter abatement  
16 fee established by section 245-     , shall be paid into the state  
17 treasury as state realizations to be kept and accounted for as  
18 provided by law; provided that, of the moneys collected under  
19 the tax imposed pursuant to:

- 20            (1) Section 245-3(a)(5), after September 30, 2006, and
- 21            prior to October 1, 2007, 1.0 cent per cigarette shall



1 be deposited to the credit of the Hawaii cancer  
2 research special fund, established pursuant to section  
3 304A-2168, for research and operating expenses and for  
4 capital expenditures;

5 (2) Section 245-3(a)(6), after September 30, 2007, and  
6 prior to October 1, 2008:

7 (A) 1.5 cents per cigarette shall be deposited to the  
8 credit of the Hawaii cancer research special  
9 fund, established pursuant to section 304A-2168,  
10 for research and operating expenses and for  
11 capital expenditures;

12 (B) 0.25 cents per cigarette shall be deposited to  
13 the credit of the trauma system special fund  
14 established pursuant to section 321-22.5; and

15 (C) 0.25 cents per cigarette shall be deposited to  
16 the credit of the emergency medical services  
17 special fund established pursuant to section  
18 321-234;

19 (3) Section 245-3(a)(7), after September 30, 2008, and  
20 prior to July 1, 2009:



1 (A) 2.0 cents per cigarette shall be deposited to the  
2 credit of the Hawaii cancer research special  
3 fund, established pursuant to section 304A-2168,  
4 for research and operating expenses and for  
5 capital expenditures;

6 (B) 0.5 cents per cigarette shall be deposited to the  
7 credit of the trauma system special fund  
8 established pursuant to section 321-22.5;

9 (C) 0.25 cents per cigarette shall be deposited to  
10 the credit of the community health centers  
11 special fund established pursuant to section  
12 321-1.65; and

13 (D) 0.25 cents per cigarette shall be deposited to  
14 the credit of the emergency medical services  
15 special fund established pursuant to section  
16 321-234;

17 (4) Section 245-3(a)(8), after June 30, 2009, and prior to  
18 July 1, 2013:

19 (A) 2.0 cents per cigarette shall be deposited to the  
20 credit of the Hawaii cancer research special  
21 fund, established pursuant to section 304A-2168,



1 for research and operating expenses and for  
2 capital expenditures;

3 (B) 0.75 cents per cigarette shall be deposited to  
4 the credit of the trauma system special fund  
5 established pursuant to section 321-22.5;

6 (C) 0.75 cents per cigarette shall be deposited to  
7 the credit of the community health centers  
8 special fund established pursuant to section  
9 321-1.65; and

10 (D) 0.5 cents per cigarette shall be deposited to the  
11 credit of the emergency medical services special  
12 fund established pursuant to section 321-234;

13 (5) Section 245-3(a)(11), after June 30, 2013, and prior  
14 to July 1, 2015:

15 (A) 2.0 cents per cigarette shall be deposited to the  
16 credit of the Hawaii cancer research special  
17 fund, established pursuant to section 304A-2168,  
18 for research and operating expenses and for  
19 capital expenditures;



- 1 (B) 1.5 cents per cigarette shall be deposited to the  
2 credit of the trauma system special fund  
3 established pursuant to section 321-22.5;
- 4 (C) 1.25 cents per cigarette shall be deposited to  
5 the credit of the community health centers  
6 special fund established pursuant to section  
7 321-1.65; and
- 8 (D) 1.25 cents per cigarette shall be deposited to  
9 the credit of the emergency medical services  
10 special fund established pursuant to section  
11 321-234; and
- 12 (6) Section 245-3(a)(11), after June 30, 2015, and  
13 thereafter:
- 14 (A) 2.0 cents per cigarette shall be deposited to the  
15 credit of the Hawaii cancer research special  
16 fund, established pursuant to section 304A-2168,  
17 for research and operating expenses and for  
18 capital expenditures;
- 19 (B) 1.125 cents per cigarette, but not more than  
20 \$7,400,000 in a fiscal year, shall be deposited



1 to the credit of the trauma system special fund  
2 established pursuant to section 321-22.5;

3 (C) 1.25 cents per cigarette, but not more than  
4 \$8,800,000 in a fiscal year, shall be deposited  
5 to the credit of the community health centers  
6 special fund established pursuant to section  
7 321-1.65; and

8 (D) 1.25 cents per cigarette, but not more than  
9 \$8,800,000 in a fiscal year, shall be deposited  
10 to the credit of the emergency medical services  
11 special fund established pursuant to section  
12 321-234.

13 The department shall provide an annual accounting of these  
14 dispositions to the legislature."

15 SECTION 4. There is appropriated out of the cigarette  
16 litter abatement special fund the sum of \$ or so much  
17 thereof as may be necessary for fiscal year 2020-2021 for the  
18 purposes described in section 339- , Hawaii Revised Statutes.

19 The sum appropriated shall be expended by the department of  
20 health for the purposes of this Act.

21 SECTION 5. New statutory material is underscored.





1 SECTION 6. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

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# S.B. NO. 2301

**Report Title:**

Litter Control; Cigarettes; Fee; Special Fund; Appropriation

**Description:**

Establishes a cigarette litter abatement fee to be imposed on each cigarette sold in the State, the proceeds of which shall be deposited into a cigarette litter abatement special fund.

Provides that the cigarette litter abatement special fund shall be used to cover the costs of collecting and removing cigarette litter and providing outreach and education to curb improper cigarette litter disposal. Appropriates funds.

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

