
A BILL FOR AN ACT

RELATING TO LITTER CONTROL.

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

1 SECTION 1. Chapter 339, 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 "§339- Cigarette litter abatement special fund;
5 established. (a) There is established the cigarette litter
6 abatement special fund, into which shall be deposited:

7 (1) Moneys collected from the cigarette litter abatement
8 excise tax established by section 245-3(a)(14);

9 (2) Legislative appropriations; and

10 (3) Gifts, donations, and grants from public agencies and
11 private persons.

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

16 (c).

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



- 1 (1) To refund any overpayment of the cigarette litter
2 abatement excise tax;
- 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 2. Section 245-3, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Every wholesaler or dealer, in addition to any other
15 taxes provided by law, shall pay for the privilege of conducting
16 business and other activities in the State:

- 17 (1) An excise tax equal to 5.00 cents for each cigarette
18 sold, used, or possessed by a wholesaler or dealer
19 after June 30, 1998, whether or not sold at wholesale,
20 or if not sold then at the same rate upon the use by
21 the wholesaler or dealer;



- 1 (2) An excise tax equal to 6.00 cents for each cigarette
2 sold, used, or possessed by a wholesaler or dealer
3 after September 30, 2002, whether or not sold at
4 wholesale, or if not sold then at the same rate upon
5 the use by the wholesaler or dealer;
- 6 (3) An excise tax equal to 6.50 cents for each cigarette
7 sold, used, or possessed by a wholesaler or dealer
8 after June 30, 2003, whether or not sold at wholesale,
9 or if not sold then at the same rate upon the use by
10 the wholesaler or dealer;
- 11 (4) An excise tax equal to 7.00 cents for each cigarette
12 sold, used, or possessed by a wholesaler or dealer
13 after June 30, 2004, whether or not sold at wholesale,
14 or if not sold then at the same rate upon the use by
15 the wholesaler or dealer;
- 16 (5) An excise tax equal to 8.00 cents for each cigarette
17 sold, used, or possessed by a wholesaler or dealer on
18 and after September 30, 2006, whether or not sold at
19 wholesale, or if not sold then at the same rate upon
20 the use by the wholesaler or dealer;



- 1 (6) An excise tax equal to 9.00 cents for each cigarette
2 sold, used, or possessed by a wholesaler or dealer on
3 and after September 30, 2007, whether or not sold at
4 wholesale, or if not sold then at the same rate upon
5 the use by the wholesaler or dealer;
- 6 (7) An excise tax equal to 10.00 cents for each cigarette
7 sold, used, or possessed by a wholesaler or dealer on
8 and after September 30, 2008, whether or not sold at
9 wholesale, or if not sold then at the same rate upon
10 the use by the wholesaler or dealer;
- 11 (8) An excise tax equal to 13.00 cents for each cigarette
12 sold, used, or possessed by a wholesaler or dealer on
13 and after July 1, 2009, whether or not sold at
14 wholesale, or if not sold then at the same rate upon
15 the use by the wholesaler or dealer;
- 16 (9) An excise tax equal to 11.00 cents for each little
17 cigar sold, used, or possessed by a wholesaler or
18 dealer on and after October 1, 2009, whether or not
19 sold at wholesale, or if not sold then at the same
20 rate upon the use by the wholesaler or dealer;



- 1 (10) An excise tax equal to 15.00 cents for each cigarette
2 or little cigar sold, used, or possessed by a
3 wholesaler or dealer on and after July 1, 2010,
4 whether or not sold at wholesale, or if not sold then
5 at the same rate upon the use by the wholesaler or
6 dealer;
- 7 (11) An excise tax equal to 16.00 cents for each cigarette
8 or little cigar sold, used, or possessed by a
9 wholesaler or dealer on and after July 1, 2011,
10 whether or not sold at wholesale, or if not sold then
11 at the same rate upon the use by the wholesaler or
12 dealer;
- 13 (12) An excise tax equal to seventy per cent of the
14 wholesale price of each article or item of tobacco
15 products, other than large cigars, sold by the
16 wholesaler or dealer on and after September 30, 2009,
17 whether or not sold at wholesale, or if not sold then
18 at the same rate upon the use by the wholesaler or
19 dealer; [~~and~~]
- 20 (13) An excise tax equal to fifty per cent of the wholesale
21 price of each large cigar of any length, sold, used,



1 or possessed by a wholesaler or dealer on and after
2 September 30, 2009, whether or not sold at wholesale,
3 or if not sold then at the same rate upon the use by
4 the wholesaler or dealer[-]; and

5 (14) A cigarette litter abatement excise tax equal to
6 \$ _____ for each cigarette sold, used, or
7 possessed by a wholesaler or dealer on and after July
8 1, 2021, whether or not sold at wholesale, or if not
9 sold then at the same rate upon the use by the
10 wholesaler or dealer to be deposited into the
11 cigarette litter abatement special fund established
12 pursuant to section 339- .

13 Where the tax imposed has been paid on cigarettes, little
14 cigars, or tobacco products that thereafter become the subject
15 of a casualty loss deduction allowable under chapter 235, the
16 tax paid shall be refunded or credited to the account of the
17 wholesaler or dealer. The tax shall be applied to cigarettes
18 through the use of stamps."

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



1 "§245-15 Disposition of revenues. All moneys collected
2 pursuant to this chapter, except the cigarette litter abatement
3 excise tax established by section 245-3(a)(14), shall be paid
4 into the state treasury as state realizations to be kept and
5 accounted for as provided by law; provided that, of the moneys
6 collected under the tax imposed pursuant to:

7 (1) Section 245-3(a)(5), after September 30, 2006, and
8 prior to October 1, 2007, 1.0 cent per cigarette shall
9 be deposited to the credit of the Hawaii cancer
10 research special fund, established pursuant to section
11 304A-2168, for research and operating expenses and for
12 capital expenditures;

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

15 (A) 1.5 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) 0.25 cents per cigarette shall be deposited to
2 the credit of the trauma system special fund
3 established pursuant to section 321-22.5; and
- 4 (C) 0.25 cents per cigarette shall be deposited to
5 the credit of the emergency medical services
6 special fund established pursuant to section
7 321-234;
- 8 (3) Section 245-3(a)(7), after September 30, 2008, and
9 prior to July 1, 2009:
- 10 (A) 2.0 cents per cigarette shall be deposited to the
11 credit of the Hawaii cancer research special
12 fund, established pursuant to section 304A-2168,
13 for research and operating expenses and for
14 capital expenditures;
- 15 (B) 0.5 cents per cigarette shall be deposited to the
16 credit of the trauma system special fund
17 established pursuant to section 321-22.5;
- 18 (C) 0.25 cents per cigarette shall be deposited to
19 the credit of the community health centers
20 special fund established pursuant to section
21 321-1.65; and



1 (D) 0.25 cents per cigarette shall be deposited to
2 the credit of the emergency medical services
3 special fund established pursuant to section
4 321-234;

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

7 (A) 2.0 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) 0.75 cents per cigarette shall be deposited to
13 the credit of the trauma system special fund
14 established pursuant to section 321-22.5;

15 (C) 0.75 cents per cigarette shall be deposited to
16 the credit of the community health centers
17 special fund established pursuant to section
18 321-1.65; and

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



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

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

8 (B) 1.5 cents per cigarette shall be deposited to the
9 credit of the trauma system special fund
10 established pursuant to section 321-22.5;

11 (C) 1.25 cents per cigarette shall be deposited to
12 the credit of the community health centers
13 special fund established pursuant to section
14 321-1.65; and

15 (D) 1.25 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; and

19 (6) Section 245-3(a)(11), after June 30, 2015, and
20 thereafter:



- 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) 1.125 cents per cigarette, but not more than
7 \$7,400,000 in a fiscal year, shall be deposited
8 to the credit of the trauma system special fund
9 established pursuant to section 321-22.5;
- 10 (C) 1.25 cents per cigarette, but not more than
11 \$8,800,000 in a fiscal year, shall be deposited
12 to the credit of the community health centers
13 special fund established pursuant to section
14 321-1.65; and
- 15 (D) 1.25 cents per cigarette, but not more than
16 \$8,800,000 in a fiscal year, shall be deposited
17 to the credit of the emergency medical services
18 special fund established pursuant to section
19 321-234.
- 20 The department shall provide an annual accounting of these
21 dispositions to the legislature."



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2020-2021 to be
4 deposited into the cigarette litter abatement special fund.

5 SECTION 5. There is appropriated out of the cigarette
6 litter abatement special fund the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2020-2021 for the
8 purposes described in section 339- , Hawaii Revised Statutes.

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

11 SECTION 6. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2020.



Report Title:

Litter Control; Cigarettes; Tax; Special Fund; Appropriation

Description:

Establishes a cigarette litter abatement excise tax 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. (SD1)

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

