
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 pursuant to section 245-3;

8 (2) Legislative appropriations; and

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

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

15 (c).

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



- 1 (1) To refund any overpayment of the cigarette excise tax
- 2 under section 245-3(a)(12);
- 3 (2) On outreach and education to prevent improper
- 4 cigarette 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 of collecting and
- 8 removing cigarette litter on public lands and public
- 9 spaces within the county's control, pursuant to rules
- 10 adopted by the department pursuant to section
- 11 339-2(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 _____ cents for each
14 cigarette or little cigar sold, used, or possessed by
15 a wholesaler or dealer on and after July 1, 2021,
16 whether or not sold at wholesale, or if not sold then
17 at the same rate upon the use by the wholesaler or
18 dealer;

19 [~~(12)~~] (13) An excise tax equal to seventy per cent of the
20 wholesale price of each article or item of tobacco
21 products, other than large cigars, sold by the



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

5 [~~(13)~~] (14) An excise tax equal to fifty per cent of the
6 wholesale price of each large cigar of any length,
7 sold, used, or possessed by a wholesaler or dealer on
8 and after September 30, 2009, 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 Where the tax imposed has been paid on cigarettes, little
12 cigars, or tobacco products that thereafter become the subject
13 of a casualty loss deduction allowable under chapter 235, the
14 tax paid shall be refunded or credited to the account of the
15 wholesaler or dealer. The tax shall be applied to cigarettes
16 through the use of stamps."

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

19 "**§245-15 Disposition of revenues.** All moneys collected
20 pursuant to this chapter shall be paid into the state treasury
21 as state realizations to be kept and accounted for as provided



1 by law; provided that, of the moneys collected under the tax
2 imposed pursuant to:

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

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

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

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

19 (C) 0.25 cents per cigarette shall be deposited to
20 the credit of the emergency medical services



1 special fund established pursuant to section
2 321-234;

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

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

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

13 (C) 0.25 cents per cigarette shall be deposited to
14 the credit of the community health centers
15 special fund established pursuant to section
16 321-1.65; and

17 (D) 0.25 cents per cigarette shall be deposited to
18 the credit of the emergency medical services
19 special fund established pursuant to section
20 321-234;



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

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

11 (C) 0.75 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) 0.5 cents per cigarette shall be deposited to the
16 credit of the emergency medical services special
17 fund established pursuant to section 321-234;

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

20 (A) 2.0 cents per cigarette shall be deposited to the
21 credit of the Hawaii cancer research special



1 fund, established pursuant to section 304A-2168,
2 for research and operating expenses and for
3 capital expenditures;

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

7 (C) 1.25 cents per cigarette shall be deposited to
8 the credit of the community health centers
9 special fund established pursuant to section
10 321-1.65; and

11 (D) 1.25 cents per cigarette shall be deposited to
12 the credit of the emergency medical services
13 special fund established pursuant to section
14 321-234; and

15 (6) Section 245-3(a)(11), after June 30, 2015, and
16 [~~thereafter~~] prior to July 1, 2021:

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



1 (B) 1.125 cents per cigarette, but not more than
2 \$7,400,000 in a fiscal year, shall be deposited
3 to the credit of the trauma system special fund
4 established pursuant to section 321-22.5;

5 (C) 1.25 cents per cigarette, but not more than
6 \$8,800,000 in a fiscal year, shall be deposited
7 to the credit of the community health centers
8 special fund established pursuant to section
9 321-1.65; and

10 (D) 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 emergency medical services
13 special fund established pursuant to section
14 321-234[-]; and

15 (7) Section 245-3(a)(12), after June 30, 2021, and
16 thereafter:

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



1 (B) 1.125 cents per cigarette, but not more than
2 \$7,400,000 in a fiscal year, shall be deposited
3 to the credit of the trauma system special fund
4 established pursuant to section 321-22.5;

5 (C) 1.25 cents per cigarette, but not more than
6 \$8,800,000 in a fiscal year, shall be deposited
7 to the credit of the community health centers
8 special fund established pursuant to section
9 321-1.65;

10 (D) 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 emergency medical services
13 special fund established pursuant to section
14 321-234; and

15 (E) _____ cents per cigarette, but not more than
16 \$ _____ in a fiscal year, shall be deposited
17 to the credit of the cigarette litter abatement
18 special fund established pursuant to section
19 339-_____.

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

13 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Litter Control; Cigarettes; Tax; Special Fund; Appropriation

Description:

Increases the cigarette excise tax imposed on each cigarette sold in the State and allocates the increase in tax revenues to 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. Effective 7/1/2050.
(SD2)

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

