

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 146

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 146 entitled:

"A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify the testing procedures to be followed by the State Fire Council under the Reduced Ignition Propensity Cigarette Program;
- (2) Authorize civil penalties for manufacturers whose brand or style of cigarettes have a certain failure rate under the Reduced Ignition Propensity Cigarette Program; and
- (3) Authorize the State Fire Council to expend money in the Reduced Ignition Propensity Cigarette Program Special Fund for community fire education, safety and prevention, and preparedness and life safety programs, as well as administrative costs.

Your Committees received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, County of Maui Department of Fire and Public Safety, Kaua'i Fire Department, and one individual.



Your Committees find that Act 218, Session Laws of Hawaii 2008, requires that only cigarettes that are certified by the State Fire Council under the Reduced Ignition Propensity Cigarette Program be sold in the State. Since 2010, the program has generated an average annual revenue of nearly \$130,000. This measure would allow the State Fire Council to fulfill its mission with this existing revenue to properly support the educational programs and training for a comprehensive fire service emergency management network for the protection of life, property, and the environment in the State.

Your Committees have amended this measure by:

- (1) Providing that fifty brand or style cigarette packs shall be selected by the State Fire Council for testing;
- (2) Specifying that, in the event a manufacturer's brand or style of cigarettes fails the reduced ignition propensity test, the manufacturer shall remove the failed brand or style of cigarettes from sale in the State within thirty days of notice of the test failure;
- (3) Providing that a manufacturer may appeal a determination by the State Fire Council that a cigarette brand or style has failed the reduced ignition propensity test;
- (4) Clarifying that entities that may be fined for violations may include manufacturers whose brand or style cigarette has a failure rate of twenty-five percent of the first fifty pack test and twenty-five percent or greater of the second forty pack test;
- (5) Providing that testing performed or sponsored by the State Fire Council to determine a cigarette's compliance with the performance standard required shall be exempt from the State Procurement Code;
- (6) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 146, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 146, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 146	Committee Referral: PSM, JDC/WAM	Date: 2/26/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado		/		
FEVELLA, Kurt		/		
TOTAL	2	2		1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB146	Committee Referral: PSM, JDC/WAM	Date: 2/26/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.				X
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
FEVELLA, Kurt		X		
TOTAL	8	1		4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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