

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 826
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred H.B. No. 826, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC SMOKING DEVICES,"

beg leave to report as follows:

The purpose and intent of this measure is to provide additional resources to the Department of the Attorney General to protect the public from the damages caused by using products that contain nicotine.

More specifically, this measure:

- (1) Authorizes the use of moneys in the tobacco enforcement special fund for all functions of the Department of the Attorney General;
- (2) Expands the functions of the Electronic Smoking Device Retailer Registration Unit to include enforcement of laws that regulate the sale of electronic smoking devices;
- (3) Prohibits retailers from selling flavored tobacco products, mislabeling e-liquids containing nicotine, and selling tobacco products other than through in-person retail sales; and



- (4) Expands the definition of "tobacco product" to include e-liquid products and electronic smoking devices.

Your Committees received written comments in support of this measure from the Department of Health, Hawaii Primary Care Association, Hawaii State Teachers Association, Independent Schools, Hawaii Public Health Institute, Hawaii COPD Coalition, Adventist Health Castle, Hawaii Dental Association, Blue Zones Project, and twenty-one individuals.

Your Committees received written comments in opposition to this measure from the Attorney General; Hawaii Smokers Alliance; American Cancer Society Cancer Action Network; American Heart Association; Cigar Association of America, Inc.; AlohaCare; Retail Merchants of Hawaii, and eleven individuals.

Your Committees received written comments on this measure from the Department of Taxation, Department of Budget and Finance, Black Lava Vape, and Tobacco-Free Kids Action Fund.

Your Committees find that abolishing the Electronic Smoking Device Retailer Registration Unit will help to streamline the registration process for retailers who engage in the sale of electronic smoking devices and will help to reduce unnecessary government expenditures.

Your Committees have amended this measure by:

- (1) Deleting provisions that expanded the purposes for which moneys in the tobacco enforcement special fund may be used;
- (2) Abolishing the Electronic Smoking Device Retailer Registration Unit;
- (3) Clarifying that fines for the second or subsequent offenses for selling certain tobacco products shall be assessed only if the second or subsequent offense is committed within an unspecified time period after the first offense; and



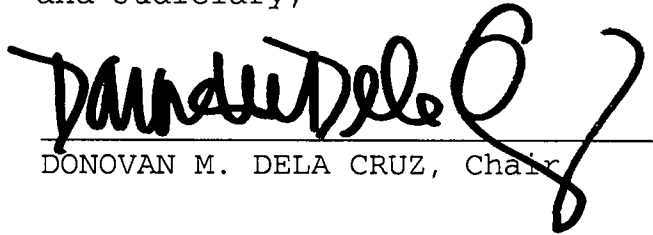
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 826, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 826, H.D. 2, S.D. 2.

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



KARL RHOADS, Chair

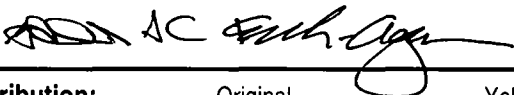


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>HB 826, HD 2, SD 1</i>	Committee Referral: <i>HTH/CPN, WAM/JDC</i>	Date: <i>4/7/21</i> <i>4/6/21 GWS</i>		
<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			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt		X		
TOTAL	<i>10</i>	<i>1</i>		
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

