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# A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Amend existing law regarding preemption of local  
3 ordinances and regulations regulating the sale of  
4 cigarettes, tobacco products, and electronic smoking  
5 devices as a matter of statewide concern to clarify  
6 that the State's preemption power extends solely to  
7 the taxation of cigarettes, tobacco products, and  
8 electronic smoking devices; and

9 (2) Clarify that counties retain the authority to adopt  
10 ordinances that regulate the sale of cigarettes,  
11 tobacco products, and electronic smoking devices, as  
12 long as the ordinances do not conflict with and are  
13 more stringent than the state law on smoking and do  
14 not impose a fee or tax on the sale of cigarettes,  
15 tobacco products, or electronic smoking devices.

16 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "~~[+]~~ **§328J-11.5** ~~[+]~~ **Statewide concern.** (a) ~~[Sales]~~ The  
2 taxation of cigarettes, tobacco products, and electronic smoking  
3 devices are a statewide concern. It is the intent of the  
4 legislature to regulate the ~~[sale]~~ taxation of cigarettes,  
5 tobacco products, and electronic smoking devices in a uniform  
6 and exclusive manner.

7           (b) All local ordinances or regulations that regulate the  
8 ~~[sale]~~ taxation of cigarettes, tobacco products, and electronic  
9 smoking devices are preempted~~[, and existing local laws and~~  
10 ~~regulations conflicting with this chapter are null and void]~~.

11           (c) Nothing in this chapter shall be construed to limit a  
12 county's authority ~~[under]~~ to enact ordinances or regulations  
13 that regulate the sale of cigarettes, tobacco products, and  
14 electronic smoking devices within the county in accordance with  
15 section 328J-15[-]; provided that any ordinance or regulation  
16 imposed by the county that imposes a fee or tax on the sale of  
17 cigarettes, tobacco products, or electronic smoking devices in  
18 conflict with this chapter shall be null and void."

19           SECTION 3. Section 328J-15, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1           "(b) Nothing in this chapter shall prohibit a county from  
2 enacting ordinances that regulate the sale of cigarettes,  
3 tobacco products, and electronic smoking devices within the  
4 county; provided that the ordinances do not directly conflict  
5 with and are more stringent than the provisions of this  
6 chapter[-]; provided further that a county shall not enact an  
7 ordinance that imposes a fee or tax on the sale of cigarettes,  
8 tobacco products, or electronic smoking devices that is in  
9 conflict with this chapter."

10           SECTION 4. If any provision of this Act, or the  
11 application thereof to any person or circumstance, is held  
12 invalid, the invalidity does not affect other provisions or  
13 applications of the Act that can be given effect without the  
14 invalid provision or application, and to this end the provisions  
15 of this Act are severable.

16           SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 6. This Act shall take effect on July 1, 3000;  
19 provided that sections 2 and 3 shall take effect on July 1,  
20 2026.



**Report Title:**

Cigarettes, Tobacco Products, and Electronic Smoking Devices;  
Taxation; Sale; Regulation; County Authority

**Description:**

Beginning 7/1/2026, amends existing law regarding preemption of local ordinances and regulations regulating the sale of cigarettes, tobacco products, and electronic smoking devices as a matter of statewide concern to clarify that the State's preemption power extends solely to the taxation of cigarettes, tobacco products, and electronic smoking devices and allows counties to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices that do not conflict with and are more stringent than the state law that governs smoking. Prohibits the counties from enacting an ordinance or a regulation that imposes a fee or tax on the sale of cigarettes, tobacco products, or electronic smoking devices. Effective 7/1/3000. (HD1)

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

