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# A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. Chapter 328J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§328J-           Smoking sensor rebate program. (a) The  
5 department shall administer a rebate program that incentivizes  
6 the installation of smoking sensors.

7           (b) An applicant may be eligible for a rebate under the  
8 rebate program if the applicant installs a smoking sensor that  
9 can detect a smoking incident within smoking-prohibited areas.

10          (c) Each eligible installation of a smoking sensor shall  
11 receive a rebate of either           per cent of the retail cost of  
12 the smoking sensor or \$           , whichever is less; provided  
13 that no individual shall receive more than \$            in total  
14 rebates each fiscal year.

15          (d) The department may issue rebates under this section if  
16 sufficient funds are available in the tobacco prevention and  
17 control trust fund pursuant to section 328L-5(c) and shall not



1 be required to pay any refund if sufficient funds are not  
 2 available. The department shall not issue more than  
 3 \$ \_\_\_\_\_ in total rebates under this section each fiscal  
 4 year. The department shall allow valid claims filed by eligible  
 5 applicants for whom sufficient funds may not be immediately  
 6 available to receive a rebate if funds become available in a  
 7 subsequent year.

8 (e) The department shall:

9 (1) Prepare any forms that may be necessary for an  
 10 applicant to claim a rebate pursuant to this section;

11 and

12 (2) Require each applicant to furnish reasonable  
 13 information to ascertain the validity of the claim,  
 14 including but not limited to documentation necessary  
 15 to demonstrate that the installation for which the  
 16 rebate is claimed is eligible.

17 (f) This section shall apply to smoking sensors installed  
 18 after \_\_\_\_\_, 2024.

19 (g) Applicants shall submit applications to the department  
 20 within \_\_\_\_\_ of the date that the newly installed smoking sensor  
 21 is placed into service to claim a rebate from the smoking sensor



1 rebate program. Failure to apply to the department  
2 within of the date that the newly installed smoking sensor  
3 is placed into service shall constitute a waiver of the right to  
4 claim the rebate. Rebates shall be subject to available funds,  
5 and the program administrator shall not approve additional  
6 rebates for the remainder of the fiscal year after program funds  
7 have been fully exhausted.

8 (h) Nothing in this section shall alter taxes due on the  
9 original purchase of a smoking sensor that is the subject of the  
10 rebate. Any rebate received pursuant to this section shall not  
11 be considered income for the purposes of state or county taxes.

12 (i) The department may contract with a third-party  
13 administrator to operate and manage the smoking sensor rebate  
14 program. The third-party administrator shall not be deemed to  
15 be a governmental body as defined in section 103D-104; provided  
16 that all moneys transferred to the third-party administrator  
17 shall have been appropriated by the legislature or shall be from  
18 moneys provided by the federal government or private funding  
19 sources. The third-party administrator shall not expend more  
20 than per cent of the amounts appropriated for the rebate  
21 program, or any other reasonable percentage determined by the



1 department, for administration of the smoking sensor rebate  
2 program.

3 (j) For purposes of this section, "smoking sensor" means a  
4 device that monitors and immediately detects smoking within a  
5 specified area and sends a location-specific alert and a  
6 timestamped scientific report of the smoking incident to the  
7 user using wireless communication technology."

8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

DOH; Smoking; Smoking Sensor; Rebate Program; Hawaii Tobacco  
Prevention and Control Trust Fund

**Description:**

Establishes a Smoking Sensor Rebate Program under the Department  
of Health to offer a rebate for installation of smoking sensors  
that can detect a smoking incident within smoking-prohibited  
areas. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

