
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 and regulations that regulate smoking or
11 the sale of cigarettes, tobacco products, and
12 electronic smoking devices, as long as the ordinances
13 do not conflict with and are more stringent than the
14 state law on smoking and do not impose a fee or tax on
15 the sale of cigarettes, tobacco products, or
16 electronic smoking devices.



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

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

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

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



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

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

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

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000;
2 provided that sections 2 and 3 shall take effect on July 1,
3 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 and regulations that regulate smoking or 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. (HD2)

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