

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 1447

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 1447 entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than the provisions in chapter 328J, Hawaii Revised Statutes; and
- (2) Clarify that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances are more stringent than the provisions in chapter 328J, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i State Association of Counties, one member of the Hawai'i County Council, Hawai'i Primary Care Association, American Heart Association, Hawaii COPD Coalition, American Cancer Society Cancer Action Network, American Lung Association Hawaii, Papa Ola Lokahi, Campaign for Tobacco-Free Kids, Hawai'i Public Health Institute, and fourteen



individuals. Your Committee received testimony in opposition to this measure from Consumer Choice Center; Hi Five Ohm Vape Co., LLC; Americans for Tax Reform; VOLCANO Vape Shops; Savage Vapes 808 INC.; Hawaii Smokers Alliance; Aloha Petroleum; Minit Stop; Par Hawaii; Hui K., LLC; Retail Merchants of Hawaii; and thirty-two individuals.

Your Committee finds that tobacco use remains the leading cause of preventable death in the United States, including Hawaii. Additionally, the rate of tobacco use among the youth has continued to increase to epidemic levels, with 48.3 percent of public high school students having tried using electronic smoking devices. Your Committee believes that a flexible regulation system is needed to address the multibillion-dollar marketing campaigns of tobacco companies focused on our youth. This measure will allow all levels of government, including counties, to quickly address youth tobacco use by clarifying that county ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices are null and void only if they are in direct conflict with or less stringent than the relevant provisions in state law and clarifying that counties retain the authority to adopt ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, as long as the ordinances are more stringent than the relevant provisions in state law.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1447 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Intergovernmental and Military
Affairs,



GLENN WAKAI, Chair



