

ACT 32

H.B. NO. 518

A Bill for an Act Relating to Tobacco.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 245-51, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]~~**§245-51**~~[H]~~ **Sale of export cigarettes prohibited.** It shall be unlawful for a person to sell or distribute in the State; to acquire, hold, own, possess, or transport for sale or distribution in the State, or to import or cause to be imported into the State for sale or distribution in the State any of the following cigarettes:

- (1) The package of which bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating “for export only”, “U.S. tax-exempt”, “for use outside U.S.”, or similar wording;
- (2) The package of which does not comply with all requirements imposed by federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the specific warning labels specified in the federal Cigarette Labeling and Advertising Act, Title 15 U.S.C. section 1333;

- (3) The package of which does not comply with all federal trademark and copyright laws;
- (4) Imported into the United States on or after January 1, 2000, in violation of Title 26 U.S.C. section 5754 or any other federal law or regulation;
- (5) For which the person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States; [øø]
- (6) For which there has not been submitted to the Secretary of the United States Department of Health and Human Services the list of the ingredients added to tobacco in the manufacture of such cigarettes required by the federal Cigarette Labeling and Advertising Act, Title 15 U.S.C. section 1335a[-]; or
- (7) The package of which bears a cigarette brand name that is a registered United States trademark of a participating manufacturer and the package was imported by anyone other than the participating manufacturer of that cigarette brand. "Participating manufacturer" means any signatory to the "Master Settlement Agreement", as the latter term is defined in section 675-2."

SECTION 2. Section 245-56, Hawaii Revised Statutes, is amended to read as follows:

“[§245-56] Affixing of cigarette tax stamps to export cigarettes or altered packages prohibited. [It shall be unlawful for any person to affix] A person shall be guilty of a class B felony if the person knowingly affixes any cigarette tax stamp required under this chapter to the package of any cigarettes described in section 245-51 or altered in violation of section 245-52.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 26, 2001.)