

STAND. COM. REP. NO. 263-08

Honolulu, Hawaii  
Feb 8, 2008

RE: H.B. No. 2438  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2438  
entitled:

"A BILL FOR AN ACT RELATING TO CIGARETTES,"

begs leave to report as follows:

The purpose of this bill is to promote fire-safety by  
prohibiting the sale of cigarettes in Hawaii that don't self-  
extinguish when not actively puffed, before it has burnt through  
its full length.

The Honolulu Fire Department, Maui County Fire Department,  
Hawaii County Fire Department, Kauai County Fire Department, State  
Fire Council (SFC), Hawaii Fire Fighters Association, Hawaii  
Wildlife Management Organization, and Coalition for a Tobacco-Free  
Hawaii supported this bill. The Department of the Attorney  
General and Retail Merchants of Hawaii supported the intent of  
this measure.

Your Committee has amended this bill by:

- (1) Expanding the definition of "cigarette" to add  
substances other than tobacco when rolled for smoking or  
any item made to appear to look like it could be offered  
as a cigarette for smoking;



- (2) Requiring rather than allowing the SFC to authorize a manufacturer to use an alternative test method that has been proven effective in another state unless there is a reasonable cause why such a test shouldn't be used;
- (3) Providing that testing provided for reduced ignition propensity cigarettes for other purposes that is consistent with the methods provided in this bill may be used for certification;
- (4) Specifying that testing performed or sponsored by the SFC to determine a cigarette's compliance with performance standards required by this bill must be conducted using the same standards as those set for manufactures;
- (5) Requiring the SFC to review the effectiveness of the testing standards set by this bill and report the findings to the Legislature every three years;
- (6) Removing provisions authorizing the use of certification markings that approved and in use in California or Vermont;
- (7) Requiring manufactures to notify the SFC of the certification marking selected for use on packaging;
- (8) Requiring that wholesalers and dealers permit the Attorney General (AG) to inspect markings on cigarette packaging and records;
- (9) Adding the AG to the SFC as the enforcing agencies to ensure compliance with the law and includes their authorized representatives;
- (11) Authorizing the AG or any authorized law enforcement entity to seize cigarettes that have not been marked properly;
- (12) Providing wholesalers and dealers a full year from the time that this law takes effect to sell their existing supplies of cigarettes not marked under the new standards; and



(13) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2438, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2438, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  

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JOSHUA B. GREEN, M.D., Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCP 263

**Record of Votes of the Committee on Health**

<b>Bill/Resolution No.:</b> HB 2438	<b>Committee Referral:</b> HLT, CPC/JUD, FIN	<b>Date:</b> 2-1-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)	✓			
3. AWANA, Karen Leinani	✓			
4. BELATTI, Della Au				✓
5. BERTRAM, Joe, III	✓			
6. CABANILLA, Rida T.R.	✓			
7. RHOADS, Karl	✓			
8. SHIMABUKURO, Maile S. L.	✓			
9. TOKIOKA, James Kunane	✓			
10. WARD, Gene, Ph.D.				✓
<b>TOTAL (10)</b>	8			2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> <i>John M. ...</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office				