STAND, COM. REP. NO.

2956

Honolulu, Hawaii

MAR 1 7 2008

RE: H.B. No. 2438

H.D. 2 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

#### Madam:

Your Committees on Commerce, Consumer Protection, and Affordable Housing and Health, to which was referred H.B. No. 2438, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CIGARETTES,"

beg leave to report as follows:

The purpose of this measure is to reduce the loss of life and damage to property caused by cigarette-related fires by requiring that only reduced ignition propensity cigarettes be sold in the State.

Specifically, this measure adds a new chapter to the Hawaii Revised Statutes that places the primary responsibility to administer and enforce fire safe cigarettes with the State Fire Council by:

- (1) Authorizing the State Fire Council to oversee, approve, and ensure that cigarettes intended for sale in Hawaii have been tested in accordance to an approved test method and meet performance standards;
- (2) Requiring cigarette manufacturers to submit to the State Fire Council a written certification attesting that each cigarette has been tested in accordance with an approved test method;

- (3) Requiring that all cigarettes intended for sale in Hawaii be certified with an approved marking;
- (4) Allowing the State Fire Council to adopt any rules necessary to implement and authorizing the Department of the Attorney General to enforce the new chapter; and
- (5) Setting forth civil penalties to be assessed against any individuals in violation of the new chapter.

Testimony in support of this measure was submitted by the Department of the Attorney General; the State Fire Council, Department of Labor and Industrial Relations; the Fire Department, County of Kauai; the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO; the Coalition for a Tobacco-Free Hawaii; and the Retail Merchants of Hawaii.

In 2005, there were 82,400 smoking material fires in the United States that resulted in the deaths of 800 individuals and injured 1,660 individuals. Ninety-three per cent of the deaths and seventy-eight per cent of the injuries were in home fires. Furthermore, property losses from smoking material fires total millions of dollars each year. In Hawaii, 438 fires were caused by cigarettes and resulted in \$1,461,125 in property damage, ten injuries, and no loss of life between 2001 and 2006.

Currently, legislation requiring the sale of only reduced ignition propensity cigarettes has passed in twenty-two states with pending legislation in fifteen other states. Your Committees find that limiting cigarette sales in Hawaii to the sale of only reduced ignition propensity cigarettes will help reduce the number of fire incidents, financial loss, and injuries statewide.

Your Committees have amended this measure by:

- (1) Changing the recertification period for reduced ignition propensity cigarettes from three years to two years to coincide with the biennial state budget cycle;
- (2) Deleting the effective date of this measure and replacing it with September 30, 2010, to coincide the with effective date of a new cigarette tax rate and stamp; and



(3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committees believe that this measure, as amended, fulfills the intent of this measure, which is to reduce the loss of life and damage to property caused by cigarette-related fires.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Affordable Housing and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2438, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2438, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committees on Commerce, Consumer Protection, and Affordable Housing and Health,

DAVID Y. ICE, Chair

RUSSELL S. KOKUBUN, Chair

### The Senate Twenty-Fourth Legislature State of Hawaii

# Record of Votes Committee on Commerce, Consumer Protection and Affordable Housing CPH

Bill / Resolution No.:* HB 2438 HD2	Committee Referral: CPHIHTH JUDL			Date: 3/10/08			
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members		Aye	Aye (WF	R) Nay	Excused		
KOKUBUN, Russell S. (C)		V					
IGE, David Y. (VC)		<b>.</b>					
ESPERO, Will					V		
IHARA, Jr., Les					V		
SAKAMOTO, Norman		<i>i</i>					
TANIGUCHI, BRIAN T.		7					
TRIMBLE, Gordon	The second secon	<i>V</i>					
			12				
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Recommendation:  Adopted  Not Adopted							
Chair's or Designee's Signature:  Sakam fu							
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

\*Only one measure per Record of Votes

### The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Health HTH

Bill / Resolution No.:* Committee Referral: Date:  HB 2438 HD 2 CPH / HTH, DL 3/10/108							
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members	Aye	Aye (WR)	Nay	Excused			
IGE, David Y. (C)	1						
FUKUNAGA, Carol (VC)				The state of the s			
BAKER, Rosalyn H.		V					
MENOR, Ron							
WHALEN, Paul			V				
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TOTAL	2	1	/	1			
Recommendation:  Adopted Not Adopted							
Chair's or Designee's Signature:							
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy							

\*Only one measure per Record of Votes