

Honolulu, Hawaii

MAR 17 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



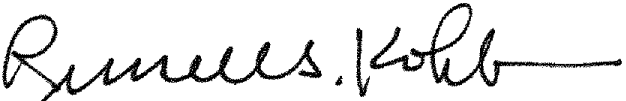
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

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. IGE, Chair

  
\_\_\_\_\_  
RUSSELL S. KOKUBUN, Chair





