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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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September 17, 2020

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2020 SEP 17 AM 11:37
OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **CONSIDERING 2020 LEGISLATIVE PACKAGE BILLS
FOR 2021 SESSION** (PAF 20-240)

May I request the attached proposed resolution, entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TOBACCO PRODUCTS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Kelly T. King".

KELLY TAKAYA KING
Councilmember

paf:kmat:20-240a

Attachment

COUNTY COMMUNICATION NO. 20-478

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2021
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL
RELATING TO TOBACCO PRODUCTS

WHEREAS, tobacco use continues to be a public health problem in Hawaii, causing approximately 1,400 deaths per year among adults and costs approximately \$526,000,000 in direct health care expenditures and \$387,300,000 in lost productivity in the State; and

WHEREAS, in response to the heavy burden of tobacco, Hawaii has enacted many tobacco control policies including clean indoor air ordinances and raising the age of sale of tobacco products from 18 to 21; and

WHEREAS, many of these initiatives were led by the counties and were later adopted at the state level, extending these protections statewide and ultimately saving the state \$1 billion in healthcare costs over 10 years; and

WHEREAS, in 2006, the legislature expressly allowed local jurisdictions to pass smoking ordinances more stringent than state law under section 328J-15, Hawaii Revised Statutes; and

WHEREAS, counties have adopted and put into action some of the most innovative and effective tobacco control policies that served as catalysts for changing social norms about tobacco use, discouraged young people from initiating tobacco use, and encouraged adult tobacco users to quit; and

WHEREAS, while it is important to establish minimum protections statewide, local level policies are integral to tobacco control because they enable a targeted approach to reduce health disparities; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," relating to tobacco products is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

paf:kmatt:20-240b

____.B. NO.____

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 328J-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]~~**§ 328J-15**~~[+]~~ **County ordinances.** (a) Nothing in this
4 chapter shall be construed to supersede or in any manner affect
5 a county smoking ordinance~~[+]~~ and the authority of any county to
6 adopt and enforce additional ordinances or rules that regulate
7 the sale of cigarettes, tobacco products, and electronic smoking
8 devices; provided that the ordinance or rule is at least as
9 protective of the rights of nonsmokers as this chapter.

10 (b) Nothing in this chapter shall prohibit a county from
11 enacting ordinances or rules more stringent than this chapter.

12 SECTION 2. Section 328J-11.5, Hawaii Revised Statutes, is
13 repealed.

14 ~~"**[§ 328J-11.5] Statewide concern.** (a) Sales of cigarettes,~~
15 ~~tobacco products, and electronic smoking devices are a statewide~~
16 ~~concern. It is the intent of the legislature to regulate the~~
17 ~~sale of cigarettes, tobacco products, and electronic smoking~~
18 ~~devices in a uniform and exclusive manner.~~

____.B. NO.____

1 ~~(b) All local ordinances or regulations that regulate the~~
2 ~~sale of cigarettes, tobacco products, and electronic smoking~~
3 ~~devices are preempted, and existing local laws and regulations~~
4 ~~conflicting with this chapter are null and void.~~

5 ~~(c) Nothing in this chapter shall be construed to limit a~~
6 ~~county's authority under section 328J-15."]~~

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

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

10 INTRODUCED BY: _____

11 BY REQUEST

12

13 paf:kmatt:20-240c

____.B. NO.____

Report Title:

HSAC Package; Hawaii State Association of Counties; Tobacco Products; State and County.

Description:

Repeals the State's preemptory powers over the regulation of tobacco products. Clarifies the county powers to adopt and enforce ordinances and rules.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.