

JAN 17 2020

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# 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~~§~~ or the authority of any county to  
6 adopt and enforce additional ordinances or rules that regulate  
7 the sale of cigarettes, tobacco products, or 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13 repealed.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~~  
15 ~~cigarettes, tobacco products, and electronic smoking devices are~~  
16 ~~a statewide concern. It is the intent of the legislature to~~



1 ~~regulate the sale of cigarettes, tobacco products, and~~  
2 ~~electronic smoking devices in a uniform and exclusive manner.~~

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

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

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 Statutory material to be repealed is bracketed  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

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

12

INTRODUCED BY:   
By Request



# S.B. NO. 2173

**Report Title:**

Hawaii State Association of Counties (HSAC) Package; Tobacco Products; State and County Regulation

**Description:**

Repeals the State's preemptory power to regulate tobacco products and electronic smoking devices. Clarifies that the counties may adopt and enforce ordinances and rules that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

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

