

RE: S.B. No. 146  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii  
Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 146 entitled:  
"A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL,"

beg leave to report as follows:

The purpose and intent of this measure is to

- (1) Specify the testing procedures to be followed by the State Fire Council under the Reduced Ignition Propensity Cigarette Program;
- (2) Authorize civil penalties for manufacturers whose brand or style of cigarettes have a certain failure rate under the Reduced Ignition Propensity Cigarette Program; and
- (3) Authorize the State Fire Council to expend money in the Reduced Ignition Propensity Cigarette Program Special Fund for community fire education, safety and prevention, and preparedness and life safety programs, as well as administrative costs.

Your Committees received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, County of Maui Department of Fire and Public Safety, Kauaï Fire Department, and one individual.

Your Committees find that Act 218, Session Laws of Hawaii 2008, requires that only cigarettes that are certified by the State Fire Council under the Reduced Ignition Propensity Cigarette Program be sold in the State. Since 2010, the program has generated an average annual revenue of nearly \$130,000. This measure would allow the State Fire Council to fulfill its mission with this existing revenue to properly support the educational programs and training for a comprehensive fire service emergency management network for the protection of life, property, and the environment in the State.

Your Committees have amended this measure by:

- (1) Providing that fifty brand or style cigarette packs shall be selected by the State Fire Council for testing;
- (2) Specifying that, in the event a manufacturer's brand or style of cigarettes fails the reduced ignition propensity test, the manufacturer shall remove the failed brand or style of cigarettes from sale in the State within thirty days of notice of the test failure;
- (3) Providing that a manufacturer may appeal a determination by the State Fire Council that a cigarette brand or style has failed the reduced ignition propensity test;
- (4) Clarifying that entities that may be fined for violations may include manufacturers whose brand or style cigarette has a failure rate of twenty-five percent of the first fifty pack test and twenty-five percent or greater of the second forty pack test;
- (5) Providing that testing performed or sponsored by the State Fire Council to determine a cigarette's compliance with the performance standard required shall be exempt from the State Procurement Code;
- (6) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 146, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 146, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on  
Judiciary and Ways and Means,

