



2009 HAWAII LEGISLATIVE UPDATE

The 2009 Hawaii Legislative Session has been one of the most active and frustrating ones in many years. ALAH has worked very hard on tobacco and fireworks related issues. Here's a brief summary of measures that passed:

- **Increase in the Cigarette Tax (HB 1175)** The cigarette tax will increase from 10 cents/stick to 13 cents/stick on July 1, 2009 and increase a penny every year after until 2011 (when it will be 15 cents/stick).
- **Increase in the Tax On Other Tobacco Products (SB 895)** These taxes have not been raised since 1965
 - Tax on cigars from 40% to 50% of wholesale price;
 - Tax on mini cigars/cigarillos taxed per stick like cigarettes;
 - Tax on all other tobacco products from 40% to 70% of wholesale price
- **Smoke-Free Correctional Facilities (SB 1073)** The initial version called for the elimination of the exemption from the smoking in public places law for correctional facilities. ALAH proposed a total ban of tobacco products on the facility property, as is the case in all federal and many state prisons. The union representing the safety officers strongly opposed this. The final version: provided that smoking shall only be authorized for employees and volunteers of a correctional facility in an area outside the secure confines of a correctional facility restricted from access by inmates or detainees that has been designated by the warden of a correctional facility.
- **Retail Tobacco Permit – Repeal Sunset (SB 528)** This makes retail tobacco permitting permanent.
- **Hawaii Tobacco Settlement Special Fund; Reallocation; General Fund (SB 292)** **Opposition to this bill has been our major focus.** House/Senate Conference Committee met on May 1, 2009 and voted out a conference draft on SB 292, HD1 which will cut funds from 12.5% to 6.5% for 6 years. This is not what we'd hoped for, but far better than what the House wanted—(cut the amount dedicated to the Tobacco Prevention and Control Fund down to 2% for 2 years or 6% for 6 years.) It is anticipated that this will result in significant reductions in tobacco prevention and control programs, including those of the American Lung Association in Hawaii. Other Master Settlement money also will be diverted from the Department of Health to the general fund, thus reducing Hawaii's expenditures significantly below the recommended level set by CDC.
- **Other Measures** Several other bills died including prohibiting smoking on Waikiki Beach.

- **Fireworks**

All bills to ban consumer fireworks, including those giving the counties the right to ban fireworks died this year. The only measures to survive are increase user or wholesale fees.

The effort to ban consumer fireworks will continue next year. Once again Hawaii received a “D” for short term pollution in the State of Air Report due to New Year’s Eve fireworks. We are encouraged that the issue has gotten much more support and the measures to ban fireworks made it farther in the legislative process than ever before.