

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 1 (2024)

A BILL FOR AN ORDINANCE

RELATING TO HERBAL CIGARETTES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and findings. The purpose of this ordinance is to raise the age of individuals allowed to purchase herbal cigarettes within the City and County of Honolulu ("City") to 21 years of age.

Herbal cigarettes are made of herbs such as damiana, ginseng, catnip, and mint. Since herbal cigarettes do not contain tobacco, they are not subject to Section 712-1258, Hawai'i Revised Statutes ("HRS"), that ban their sale to individuals under 21 years of age, nor are they subject to HRS Section 328J-11.5, which limits the ability of the City to regulate their sale.

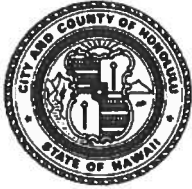
Although herbal cigarettes do not contain tobacco or nicotine, researchers have concluded that they are at least as dangerous as conventional cigarettes. Research also suggests that the wide variety of herbal cigarettes may impact long-term health and safety, with some varieties presenting risks for metabolic disorders and others producing compounds similar to tobacco cigarettes when smoked.

The City Council finds that the detrimental health effects of these products and the lack of regulation by the State of Hawai'i ("State") necessitate modifications to City laws that regulate their sale and distribution to align with State statutes that regulate the sale of tobacco products.

SECTION 2. Section 41-16.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 41-16.2 Sale of herbal cigarettes [~~to minors~~] prohibited.

It shall be unlawful for any person to sell, give, or barter away, or in any way, furnish herbal cigarettes to an individual under [~~18~~] 21 years of age."



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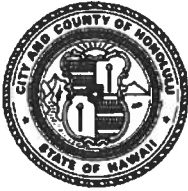
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SECTION 3. Section 41-16.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 41-16.3 Signs[—Minors].

Signs using the statement, "The sale of herbal cigarettes to persons under ~~[eighteen]~~ twenty-one is prohibited" ~~[shall]~~ must be posted on or near any vending machine in letters at least 0.5 inches high and at or near the point of sale of any other location where herbal cigarettes are sold, in letters at least 0.5 ~~[inch]~~ inches high."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 5. This ordinance takes effect 60 days after its approval.

INTRODUCED BY:





DATE OF INTRODUCTION:

JAN 2 2024

Honolulu, Hawai'i

JAN 2 2024
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

RICK BLANGIARDI, Mayor
City and County of Honolulu