



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

ORDINANCE 24-5
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.

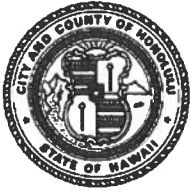
Although herbal cigarettes do not contain tobacco or nicotine, researchers have concluded that they are at least as dangerous as conventional cigarettes. Research also suggests that the wide variety of herbal cigarettes may impact long-term health and safety, with some varieties presenting risks for 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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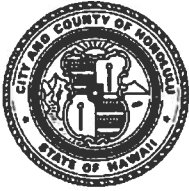
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SECTION 3. Section 41-16.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 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 7 2024

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
DUANE W.H. PANG

APPROVED this 9th day of April, 20 24.



RICK BLANGIARDI, Mayor
City and County of Honolulu

24-5
CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 1 (2024)

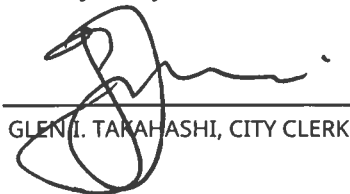
Introduced: 01/02/24 By: TYLER DOS SANTOS-TAM Committee: HOUSING, SUSTAINABILITY AND
MATT WEYER HEALTH (HSH)

Title: RELATING TO HERBAL CIGARETTES.

Voting Legend: * = Aye w/Reservations

01/02/24	INTRO	Introduced.
01/24/24	CCL	Passed first reading. 9 AYES: CORDERO*, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
02/07/24	HSH	Reported out for passage on second reading and scheduling of a public hearing. CR-51 5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
02/16/24	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
02/28/24	CCL/PH	Committee report adopted. Bill passed second reading, public hearing closed and referred to committee. 9 AYES: CORDERO*, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, SAY, TULBA, TUPOLA, WATERS, WEYER
03/06/24	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
03/06/24	HSH	Reported out for passage on third reading. CR-80 5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
03/25/24	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER