



# **Legislative Summary 2022 Tobacco Prevention Priorities**

TOBACCO PREVENTION & CONTROL  
ADVISORY BOARD

JULY 14, 2022

# Multiple bills introduced - Few scheduled

## ESD REGULATIONS



## FLAVORED TOBACCO PRODUCTS



# ESD Regulations Journey 2022

## SB 2278

Passed out by  
Senate Committee  
on Health, &  
Commerce &  
Consumer  
Protection

## SB 2278

Passed Second  
Reading & referred  
to JDC/WAM.

## SB 2278

WAM declined to  
hear the bill.

## HB 598

Revived by WAM/JDC,  
and passed Senate.

Conferees  
appointed but  
never convened.

# HB 1570



Amended to  
require  
infeasible  
implementation



Passed  
as-is



Replaced  
w/SB 3118  
+ industry  
loophole

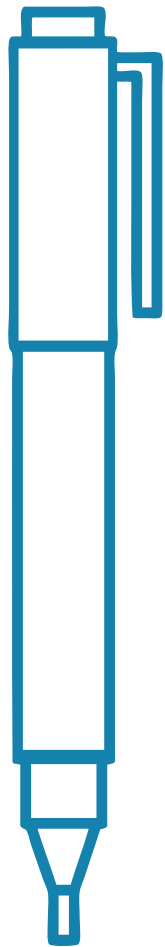


Passed as-is,  
after failed  
attempt to  
remove the  
loophole



Senate Floor  
Amendment of  
clean effective  
date, House  
agrees to  
Senate version





"'Flavored tobacco product' ...does not include any product that has received a marketing order or other authorization the United States Food and Drug Administration pursuant to title 21 United States Code section 387j."

HB 1570, SD1  
P. 10, lines 11-15

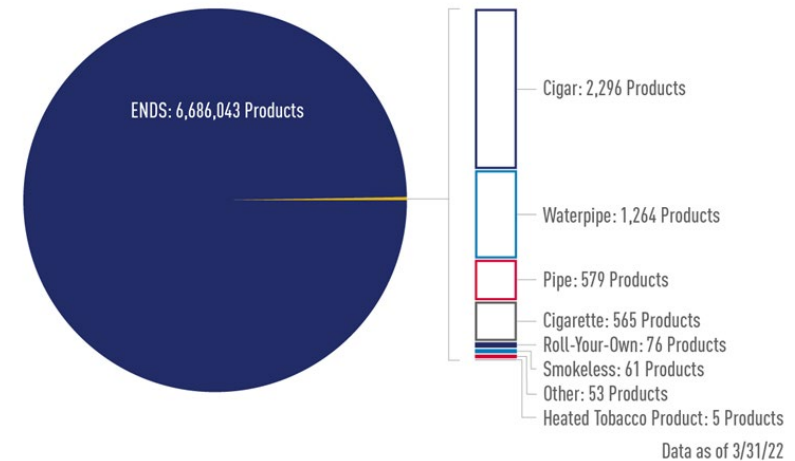
# HB1570 SD2 – Veto on July 12, 2022

## HB1570 SD2 and Protracted FDA Premarket Tobacco Application Process



- Requires State and Counties to surrender its local authority to the federal government
- Prevents effective enforcement because the FDA practices broad discretionary enforcement authority leaving many flavored products on the market
- Violates article III, Section 14 of Hawaii Constitution

### FY 21-22 Products Accepted for Review



<https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/premarket-tobacco-product-applications>, retrieved 7/11/22

<https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-applications-metrics-reporting#Premarket%20Tobacco%20Product%20Applications>, retrieved 7/11/22