
A BILL FOR AN ACT

RELATING TO SMOKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 328J-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 ""E-cigarette" or "electronic cigarette" means any
6 mechanical heating element, battery, or electronic circuit that
7 can be used to deliver a vapor of nicotine or any other
8 substance, and the use or inhalation of which simulates smoking.
9 This term shall include any such device, whether manufactured,
10 distributed, marketed, or sold as an e-cigarette, e-cigar, e-
11 pipe, personal vaporizer, electronic nicotine delivery device,
12 electronic nicotine imitation cigarette, or any other product
13 name or description, and any cartridge or component of the
14 device or related product."

15 2. By amending the definition of "smoke" or "smoking" to
16 read:

17 ""Smoke" or "smoking" means inhaling or exhaling the fumes
18 of tobacco or any other plant material, [e~~r~~] burning or carrying



1 any lighted smoking equipment for tobacco or any other plant
2 material[~~+~~], or using electronic cigarettes or e-cigarettes as
3 defined in this chapter."

4 SECTION 2. Section 328J-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~+~~]**§328J-3**[~~+~~] **Prohibition in enclosed or partially**
7 **enclosed places open to the public.** Smoking shall be prohibited
8 in all enclosed or partially enclosed areas open to the public,
9 including but not limited to the following places:

- 10 (1) Airports and public transportation facilities and
11 vehicles, including buses and taxicabs, under the
12 authority of the State or county, and ticket,
13 boarding, and waiting areas of public transit depots,
14 including airports from curb to cabin and including
15 all areas within and immediately in front of and
16 adjacent to passenger terminals and pick-up areas,
17 throughout the airport facility, and up to the
18 passenger loading gates of all state airports;
- 19 (2) Aquariums, galleries, libraries, and museums;
- 20 (3) Areas available to and customarily used by the general
21 public, including but not limited to restrooms,
22 lobbies, reception areas, hallways, and other common



- 1 areas, in businesses and nonprofit entities patronized
2 by the public, including but not limited to
3 professional offices, banks, laundromats, hotels, and
4 motels;
- 5 (4) Bars;
- 6 (5) Bowling alleys;
- 7 (6) Convention facilities;
- 8 (7) Educational facilities, both public and private;
- 9 (8) Elevators;
- 10 (9) Facilities primarily used for exhibiting a motion
11 picture, stage, drama, lecture, musical recital, or
12 other similar performance, except when part of the
13 performance;
- 14 (10) Health care facilities;
- 15 (11) Hotel and motel lobbies, meeting rooms, and banquet
16 facilities;
- 17 (12) Licensed child care and adult day care facilities;
- 18 (13) Lobbies, hallways, and other common areas in apartment
19 buildings, condominiums, retirement facilities,
20 nursing homes, multifamily dwellings, and other
21 multiple-unit residential facilities;
- 22 (14) Nightclubs;



1 (15) Polling places;

2 (16) Restaurants;

3 (17) Retail stores;

4 (18) Rooms, chambers, places of meeting or public assembly
5 under the control of an agency, board, commission,
6 committee or council of the State or county, to the
7 extent the place is subject to the jurisdiction of the
8 State or county;

9 (19) Service lines; and

10 (20) Shopping malls[-];

11 provided that the use of electronic cigarettes or e-cigarettes
12 as defined in this chapter shall be allowed in a premises
13 operating under a class 5 license granted by the liquor
14 commission that is a stand-alone premises where food is not
15 served; tobacco retail stores; private residences not used for
16 child care or health care; and hotel rooms and motel rooms if
17 permitted by the operator."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2013.

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Calvin K. Boy
HB HMS 2013-1451



INTRODUCED BY:

[Handwritten signatures: J. K. Allen, R. L. McArthur]

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JAN 24 2013



H.B. NO. 1321

Report Title:

Electronic Cigarettes; Prohibited Places

Description:

Permits use of electronic cigarettes in stand-alone class 5 liquor licensees where food is not served; tobacco retail stores; private residences not used for child care or health care; and hotel and motel rooms if permitted by the operator. Effective July 1, 2013.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

