
A BILL FOR AN ACT

RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES.

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

1 SECTION 1. The legislature finds that the unregulated use
2 of electronic smoking devices is potentially hazardous to health
3 and is disruptive to an orderly and productive work environment.
4 Using an electronic smoking device closely resembles and
5 purposefully mimics the act of smoking by having a user inhale
6 vaporized liquid nicotine created by heat through an electronic
7 ignition system.

8 After testing a number of electronic cigarettes, commonly
9 known as e-cigarettes, from two leading manufacturers, the
10 federal Food and Drug Administration determined that various
11 samples tested contained not only nicotine but also detectable
12 levels of known carcinogens and toxic chemicals. The Food and
13 Drug Administration testing also suggested that "quality control
14 processes used to manufacture these products are inconsistent or
15 non-existent," as contained in "Summary of Results: Laboratory
16 Analysis of Electronic Cigarettes Conducted By FDA," at
17 <http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm>.



1 Electronic smoking devices produce a vapor of undetermined
2 and potentially harmful substances, which may appear similar to
3 the smoke emitted by traditional tobacco products. The use of
4 electronic smoking devices in locations where smoking is
5 prohibited threatens to undermine compliance with smoking
6 regulations, creates a disturbance that impedes employee
7 performance, confuses the public, and reverses the progress that
8 has been made in establishing a social norm that smoking is not
9 permitted in enclosed or partially enclosed public places and
10 places of employment.

11 Prohibiting the use of electronic smoking devices in
12 enclosed or partially enclosed places where smoking is
13 prohibited will reduce the likelihood that employees and the
14 public will associate the use of electronic smoking devices in
15 enclosed or partially enclosed areas with healthful behavior,
16 reduce the likelihood of nonuser exposure to known carcinogens
17 and toxic chemicals, reduce the likelihood of workplace
18 disturbances, enhance employee productivity, and help ensure
19 compliance with existing smoking regulations. Moreover, at
20 least one major manufacturer of tobacco products and electronic
21 smoking devices supports the regulation of "all tobacco



1 products, including those containing tobacco-derived nicotine
2 such as e-cigarettes (and those types not yet marketed)."

3 The purpose of this Act is to prohibit the use of
4 electronic smoking devices in places where smoking is currently
5 prohibited and to update signage requirements to reflect the new
6 prohibition.

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

9 1. By adding two new definitions to be appropriately
10 inserted and to read:

11 "Electronic smoking device" means any electronic product
12 that can be used to vaporize and deliver nicotine or other
13 substances to the person inhaling from the device including, but
14 not limited to, an electronic cigarette, electronic cigar,
15 electronic cigarillo, or electronic pipe, and any cartridge or
16 other component of the device or related product.

17 "Tobacco product" means any product made or derived from
18 tobacco, that contains nicotine or other substances, and is
19 intended for human consumption or is likely to be consumed,
20 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
21 ingested by any other means, including, but not limited to, a
22 cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or



1 an electronic smoking device. "Tobacco product" does not
2 include any product specifically approved by the United States
3 Food and Drug Administration for legal sale as a tobacco
4 cessation product that is being marketed and sold solely for
5 that approved purpose."

6 2. By amending the definition of "smoke" or "smoking" to
7 read:

8 "Smoke" or "smoking" means [~~inhaling or exhaling the fumes~~
9 ~~of tobacco or any other plant material, or burning or carrying~~
10 ~~any lighted smoking equipment for tobacco or any other plant~~
11 ~~material.] inhaling, exhaling, burning, or carrying any lighted
12 or heated tobacco product or plant product intended for
13 inhalation in any manner or in any form. "Smoke" or "smoking"
14 includes the use of an electronic smoking device."~~

15 SECTION 3. Section 328J-9, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§328J-9[+] Signs. (a) Clearly legible signs that
18 include the words "Smoking Prohibited by Law[~~with letters of~~
19 ~~not less than one inch in height~~] Including E-cigarettes and All
20 Other Electronic Smoking Devices" or the international "No
21 Smoking" symbol, consisting of a pictorial representation of a
22 burning cigarette and a symbol of an electronic smoking device



1 enclosed in a red circle with a red bar across it, or both,
2 shall be clearly and conspicuously posted in and at the entrance
3 to every place open to the public and place of employment where
4 smoking is prohibited by this chapter by the owner, operator,
5 manager, or other person in control of that place.

6 (b) For signs required by this section, the words "Smoking
7 Prohibited by Law" shall be in letters of not less than three
8 quarters of an inch in height, and the remaining words shall be
9 in letters of not less than one quarter inch in height."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Electronic Smoking Devices; Regulation; Signage

Description:

Prohibits the use of electronic smoking devices in places where smoking is prohibited. Updates signage requirements to reflect that e-cigarettes and all other electronic smoking devices are prohibited where smoking is prohibited by law. Effective July 1, 2050. (HB2321 HD1)

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