
A BILL FOR AN ACT

RELATING TO ELECTRONIC SMOKING DEVICES.

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

1 SECTION 1. The legislature finds that electronic smoking
2 devices, also known as electronic cigarettes or e-cigarettes,
3 are battery-powered devices, often resembling cigarettes,
4 cigars, or pipes, designed to deliver nicotine or other
5 substances to users in the form of a vapor smoke that is
6 breathed in then exhaled. Sales of electronic smoking devices
7 in the United States have doubled each year since 2008, with
8 sales in 2013 projected to reach \$1,700,000,000. Findings from
9 the National Youth Tobacco Survey also indicate the growing
10 popularity of electronic smoking devices among youth, with
11 1,800,000 middle and high school students stating they had tried
12 these products in 2012.

13 The legislature further finds that, due to the relative
14 lack of research data on electronic smoking devices, many public
15 health organizations and policymakers are concerned about the
16 safety and impact of these products on public health.

17 Furthermore, because the federal government has not yet
18 exercised its regulatory authority over electronic smoking



1 devices, the products are manufactured without regulatory
2 oversight or quality control, and promoted, advertised, and sold
3 without appropriate health warnings or legal age restrictions.

4 In response, a growing number of state and local
5 governments have taken steps to regulate the sale, marketing,
6 and use of electronic smoking devices. The legislature
7 concludes that Hawaii should also take additional steps to
8 regulate these products.

9 The purpose of this Act is to prohibit the use of
10 electronic smoking devices in enclosed public areas and other
11 specified locations under chapter 328J, Hawaii Revised Statutes.

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

14 1. By adding two new definitions to be appropriately
15 inserted and to read:

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



1 "Tobacco product" means any product made or derived from
2 tobacco, that contains nicotine or other substances, and is
3 intended for human consumption or is likely to be consumed,
4 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
5 ingested by any other means, including but not limited to a
6 cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or
7 an electronic smoking device. "Tobacco product" does not
8 include any product specifically approved by the United States
9 Food and Drug Administration for legal sale as a tobacco
10 cessation product that is being marketed and sold solely for
11 that approved purpose."

12 2. By amending the definition of "smoke" or "smoking" to
13 read:

14 "~~Smoke" or "smoking" means [inhaling or exhaling the fumes~~
15 ~~of tobacco or any other plant material, or burning or carrying~~
16 ~~any lighted smoking equipment for tobacco or any other plant~~
17 ~~material.] inhaling, exhaling, burning, or carrying any lighted~~
18 or heated tobacco product or plant product intended for
19 inhalation in any manner or in any form. "Smoking" includes the
20 use of an electronic smoking device."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Electronic Smoking Device; Tobacco Products; Smoking

Description:

Prohibits the use of electronic smoking devices in enclosed public areas and other specified locations under Chapter 328J, Hawaii Revised Statutes. Effective July 1, 2050. (SB2495 HD1)

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