



GOV. MSG. NO. 1125

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 26, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 26, 2016, the following bill was signed into law:

SB305 SD1 HD1

RELATING TO USE OF TOBACCO PRODUCTS
AND E-CIGARETTES ON HAWAII HEALTH
SYSTEMS CORPORATION PREMISES
ACT 025 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO USE OF TOBACCO PRODUCTS AND E-CIGARETTES ON HAWAII HEALTH SYSTEMS CORPORATION PREMISES.

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

1 SECTION 1. The legislature finds that facilities within
 2 the Hawaii health systems corporation are committed to providing
 3 quality healthcare for the people of Hawaii and taking steps to
 4 lessen the occurrence of preventable disease. Consistent with
 5 this commitment, the corporation must not permit the use of
 6 tobacco and other potentially dangerous substances on the
 7 campuses of its health facilities. Allowing such use would not
 8 only expose vulnerable patients, employees, and visitors to the
 9 perils of harmful substances, but would also demonstrate a
 10 shortcoming in the corporation's goal of reducing the occurrence
 11 of preventable disease.

12 The purpose of this Act is to protect patients, employees,
 13 and all other visitors to the health facilities within the
 14 Hawaii health systems corporation from exposure to second-hand
 15 smoke and other potentially harmful substances as well as to
 16 promote positive health practices by prohibiting any person from



1 using tobacco products or electronic smoking devices, often
2 referred to as e-cigarettes, on the premises of any Hawaii
3 health systems corporation facility.

4 SECTION 2. Chapter 323F, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§323F- Tobacco and electronic smoking devices use
8 prohibited. (a) Notwithstanding the less restrictive
9 requirements of chapter 328J, the Hawaii health systems
10 corporation shall prohibit the use of any tobacco product or
11 electronic smoking device by any person on the premises of all
12 facilities operated by the corporation within the State, to the
13 extent not prohibited by federal law and regulation.

14 (b) Pursuant to section 89-9(d), the tobacco and
15 electronic smoking device use prohibitions under this section
16 shall not be subject to collective bargaining.

17 (c) The corporation shall prominently display signs
18 stating that "tobacco and electronic smoking device use is
19 prohibited" at all entrances to the corporation's health
20 facilities and at other conspicuous locations throughout the
21 outdoor premises of each health facility.



1 (d) For the purposes of this section:

2 "Electronic smoking device" means any electronic product
3 that can be used to aerosolize and deliver nicotine or other
4 substances to the person inhaling from the device, including,
5 but not limited to, an electronic cigarette, electronic cigar,
6 electronic cigarillo, electronic pipe, hookah pipe, or hookah
7 pen, and any cartridge or other component of the device or
8 related product, whether or not sold separately.

9 "Premises" means all indoor and outdoor areas within the
10 state-designated property boundary lines of each of the
11 corporation's health facilities and shall include all employee
12 and visitor parking lots.

13 "Tobacco or electronic smoking device use" does not include
14 mere possession or storage of the same for use in locations
15 outside the premises of the corporation's health facilities.

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



1 an electronic smoking device. "Tobacco product" does not
2 include drugs, devices, or combination products approved for
3 sale by the United States Food and Drug Administration, as those
4 terms are defined in the Federal Food, Drug, and Cosmetic Act."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 26 day of APR, 2016



GOVERNOR OF THE STATE OF HAWAII