

JAN 22 2015

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# A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. The legislature finds that nicotine is a highly  
2 addictive drug that acts in the brain and throughout the body.  
3 Furthermore, the dangers posed by nicotine are not limited to  
4 cigarettes, pipes, and other traditional forms of tobacco  
5 smoking. In recent years, the popularity of electronic smoking  
6 devices, also known as electronic cigarettes or e-cigarettes,  
7 has caused a major shift in the tobacco-control landscape.  
8 Electronic smoking devices are battery-powered devices, often  
9 resembling cigarettes, cigars, or pipes, designed to deliver  
10 nicotine or other substances to users in the form of a vapor  
11 smoke that is breathed in then exhaled.

12           The legislature further finds that because electronic  
13 smoking devices are relatively new products, little is known  
14 about their use, their characteristics, or their long-term  
15 health effects on individual users and public health. However,  
16 the United States Food and Drug Administration recently  
17 conducted a laboratory analysis on electronic smoking device



1 samples that indicated these products contained detectable  
2 levels of known carcinogens and toxic chemicals, including  
3 nitrosamines and diethylene glycol, an ingredient used in  
4 antifreeze. The analysis also suggested that quality control  
5 processes used to manufacture these products were inconsistent  
6 or nonexistent.

7 The legislature additionally finds that in August 2014, the  
8 American Heart Association issued new policy recommendations on  
9 the use of electronic smoking devices and their impact on  
10 tobacco control efforts. The American Heart Association  
11 supports the inclusion of electronic smoking devices in smoke-  
12 free air laws. Although the toxic substances in electronic  
13 smoking devices are lower than those in cigarette smoke, non-  
14 smokers could be involuntarily exposed to nicotine in any  
15 confined space where electronic smoking devices are used.  
16 Furthermore, the use of electronic smoking devices, particularly  
17 in public places where smoking is prohibited, has the potential  
18 to recreate a social norm pertaining to using tobacco products  
19 in public places, thereby unraveling decades of work on  
20 comprehensive smoke-free air laws.



## S.B. NO. 18

1           In 2006, the legislature passed sweeping legislation  
2 designed to protect the public from exposure to secondhand  
3 smoke. Codified as chapter 328J, Hawaii Revised Statutes, the  
4 law expanded the scope of smoke-free prohibitions in various  
5 enclosed and partially enclosed areas but does not currently  
6 cover electronic smoking devices. In October 2014, a new policy  
7 went into effect banning the use of electronic smoking devices  
8 in all state government buildings. A growing number of private  
9 entities have developed their own policies regarding use of  
10 electronic smoking devices, but there is a lack of statewide  
11 consistency regarding the use of these devices.

12           Accordingly, the purpose of this Act is to create  
13 consistency regarding the use of electronic smoking devices in  
14 public places and protect public health by amending Hawaii's  
15 anti-smoking statute to prohibit the use of electronic smoking  
16 devices in places open to the public and other specified  
17 locations.

18           SECTION 2. Section 328J, Hawaii Revised Statutes, is  
19 amended as follows:

20           1. By adding a new definition to be appropriately inserted  
21 and to read:



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1        "Electronic smoking device" means any electronic product  
2 that can be used to simulate smoking in the delivery of nicotine  
3 or other substances to the person inhaling from the device  
4 including but not limited to an electronic cigarette, electronic  
5 cigar, electronic cigarillo, or electronic pipe, and any  
6 cartridge or other component of the device or related product."

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

9        ~~"Smoke" or "smoking" means [inhaling or exhaling the fumes~~  
10 ~~of tobacco or any other plant material, or burning or carrying~~  
11 ~~any lighted smoking equipment for tobacco or any other plant~~  
12 ~~material.]~~ inhaling, exhaling, burning, or carrying any lighted  
13 smoking equipment used for tobacco; the personal habit commonly  
14 known as smoking. "Smoke" or "smoking" includes the use of an  
15 electronic smoking device."

16        SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Breene Harte*  
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# S.B. NO. 18

**Report Title:**

Electronic Smoking Device; Smoking; Prohibition

**Description:**

Amends Hawaii's anti-smoking statute to prohibit the use of electronic smoking devices in places where the smoking of tobacco is currently banned.

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

