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# 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 reduce 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 e-cigarettes on the premises of any  
2 Hawaii health systems corporation facility and making tobacco-  
3 cessation programs available to public health facility  
4 employees.

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

8 "§323F- Tobacco and e-cigarette use prohibited. (a)

9 The Hawaii health systems corporation shall prohibit the use of  
10 any tobacco product or e-cigarette by any person on the premises  
11 of all facilities operated by the corporation within the State,  
12 to the extent not prohibited by federal law and regulation.

13 (b) The corporation shall provide tobacco cessation  
14 programs for public employees at the corporation's health  
15 facilities who are interested in participating; provided that  
16 issues relating to the costs of the program shall be subject to  
17 collective bargaining.

18 (c) This section shall not be subject to chapter 328J.

19 (d) Pursuant to section 89-9(d), the tobacco and e-  
20 cigarette use prohibitions under this section shall not be  
21 subject to collective bargaining.



1       (e) The corporation shall be responsible for educating all  
2 health facility personnel, contractors, patients, and all other  
3 visitors to the corporation's health facilities regarding the  
4 prohibitions under this section. The corporation shall  
5 prominently display signs stating that "tobacco and e-cigarette  
6 use is prohibited" at all entrances to the corporation's health  
7 facilities and at other conspicuous locations throughout the  
8 outdoor premises of each health facility.

9       (f) For the purposes of this section:

10       "E-cigarette" means any electronic oral device, such as one  
11 composed of a heating element, battery, or electronic circuit,  
12 or more than one of these, which provides a vapor of nicotine or  
13 any other substances for inhalation. The term shall include any  
14 such device, whether manufactured, distributed, marketed, or  
15 sold as an e-cigarette, e-cigar, e-pipe, or under any other  
16 product name or descriptor, but does not include any product  
17 specifically approved by the United States Food and Drug  
18 Administration for use in medical treatment, such as an asthma  
19 inhaler.

20       "Premises" means all indoor and outdoor areas within the  
21 state-designated property boundary lines of each of the



1 corporation's health facilities and shall include all employee  
2 and visitor parking lots.

3 "Tobacco or e-cigarette use" does not include mere  
4 possession or storage of the same for use in locations outside  
5 the premises of the corporation's health facilities.

6 "Tobacco product" means any substance containing tobacco  
7 leaf, including but not limited to cigarettes, cigars, pipe  
8 tobacco, hookah tobacco, snuff, chewing tobacco, dipping  
9 tobacco, bidis, blunts, clove cigarettes, or any other  
10 preparations of tobacco; and any product or formulation of  
11 matter containing biologically active amounts of nicotine that  
12 is manufactured, sold, offered for sale, or otherwise  
13 distributed with the expectation that the product or matter will  
14 be introduced into the human body; but does not include any  
15 cessation product specifically approved by the United States  
16 Food and Drug Administration for use in treating nicotine or  
17 tobacco dependence."

18 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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# S.B. NO. 305

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# S.B. NO. 305

**Report Title:**

Hawaii Health Systems Corporation; E-Cigarettes; Tobacco Products; Prohibition

**Description:**

Prohibits the use of tobacco products and e-cigarettes on the premises of Hawaii health systems corporation facilities.

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

