
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Chapter 421I, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§421I- Adoption of rules; prohibition of smoking
5 permitted. (a) The board of directors of a corporation may
6 adopt rules to prohibit tenant shareholders, guests, and all
7 other persons from smoking, including but not limited to
8 electronic smoking devices, in common elements or limited common
9 elements, of the corporation. The board of directors of a
10 corporation may also adopt rules to prohibit tenant
11 shareholders, guests, and all other persons from smoking on
12 lanais of individual dwelling units after obtaining at least a
13 majority of shareholders' approval by vote or written consent.

14 (b) For purposes of this section, "electronic smoking
15 device" means any electronic product that can be used to
16 aerosolize and deliver nicotine or other substances to the
17 person inhaling from the device including but not limited to an



1 electronic cigarette, electronic cigar, electronic cigarillo,
2 electronic pipe, hookah pipe, or hookah pen, and any cartridge
3 or other component of the device or related product, whether or
4 not sold separately."

5 SECTION 2. Section 514B-105, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) [~~Unless otherwise permitted by the declaration,~~
8 ~~bylaws, or this chapter, an]~~ The board of directors of an
9 association may adopt rules and regulations that affect the use
10 of or behavior in units that may be used for residential
11 purposes only to:

- 12 (1) Prevent any use of a unit [~~which~~] that violates the
13 declaration or bylaws;
- 14 (2) Regulate any behavior in or occupancy of a unit
15 [~~which~~] that violates the declaration or bylaws or
16 unreasonably interferes with the use and enjoyment of
17 other units or the common elements by other unit
18 owners; [~~or~~]
- 19 (3) Prohibit smoking, including but not limited to
20 electronic smoking devices, by an owner, resident, or
21 guest in all common elements or limited common



1 elements as defined in section 514B-3 and lanais of
2 individuals units; provided that at least a majority
3 of unit owners shall first approve the smoking ban on
4 lanais; and provided further that for purposes of this
5 paragraph, "electronic smoking device" means any
6 electronic product that can be used to aerosolize and
7 deliver nicotine or other substances to the person
8 inhaling from the device including but not limited to
9 an electronic cigarette, electronic cigar, electronic
10 cigarillo, electronic pipe, hookah pipe, or hookah
11 pen, and any cartridge or other component of the
12 device or related product, whether or not sold
13 separately; or

14 [~~3~~] (4) Restrict the leasing of residential units to the
15 extent those rules are reasonably designed to meet
16 underwriting requirements of institutional lenders who
17 regularly lend money secured by first mortgages on
18 units in condominiums or regularly purchase those
19 mortgages.

20 Otherwise, the association may not regulate any use of or
21 behavior in units by means of the rules and regulations."



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, 2112.



Report Title:

Smoking; Condominiums; Cooperative Housing Corporations;
Prohibition by Rule; Electronic Smoking Device

Description:

Allows the boards of directors of condominiums and cooperative housing corporations to adopt rules prohibiting smoking, including but not limited to electronic smoking devices, in common elements, limited common elements, and on lanais. (SB802 HD1)

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

