

STAND. COM. REP. NO. 2541

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2688  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2688, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF E-LIQUID,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit, beginning January 1, 2017, the sale or offering for sale of certain e-liquid containers for electronic smoking devices unless the container is child-resistant and, if the container is for an e-liquid product containing nicotine, is labeled with warning language;
- (2) Establish that the sale or offer for sale of certain e-liquid containers is a misdemeanor;
- (3) Establish that any person or business that violates the prohibition on the sale or offer for sale of certain e-liquid containers is liable to any person injured as a result of the violation;
- (4) Establish e-liquid packaging standards in the Hawaii Poison Prevention Packaging Act pursuant to chapter 330C, Hawaii Revised Statutes; and



- (5) Expand the definition of "hazardous substance" as used in the Hawaii Poison Prevention Packaging Act to include e-liquid.

Your Committee received testimony in support of this measure from the Department of Health, University of Hawai'i Cancer Center, University of Hawai'i Student Health Advisory Council, Coalition for a Tobacco-Free Hawai'i, and VOLCANO Fine Electronic Cigarettes. Your Committee received testimony in opposition to this measure from Hawaii Smokers Alliance, 808 Smokes, Smokeless Hawaii, and six individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the packaging and use of electronic smoking devices are potentially hazardous to the health of Hawaii residents, including Hawaii's children, yet many liquids for electronic smoking devices are offered in flavors and scents that are appealing to children. There are currently no packaging requirements for the sale of e-liquid containers. Stringent packaging and labeling requirements for e-liquid containers will protect young children from inadvertent exposure to the contents of electronic smoking device cartridges and also inform consumers whether an e-liquid product contains nicotine, a highly addictive substance.

Your Committee has amended this measure by:

- (1) Establishing that the sale of certain e-liquid containers is a penalty, rather than a misdemeanor;
- (2) Deleting language establishing that any person or business that violates the prohibition on the sale or offer for sale of certain e-liquid containers is liable to any person injured as a result of the violation;
- (3) Inserting an effecting date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2688, S.D. 1, as amended herein, and recommends that it pass



Third Reading in the form attached hereto as S.B. No. 2688,  
S.D. 2.


Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
\_\_\_\_\_  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>SB 2688 SD1</b>	<b>CPH, JDL</b>	<i>2/26/16</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes