

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2018

GOV. MSG. NO. 1269

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

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

This is to inform you that on July 10, 2018, the following bill was signed into law:

SB134 SD1 HD2 CD1

RELATING TO THE UNIVERSITY OF HAWAII
ACT 160 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

JUL 10 2018

on

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

ACT 160

S.B. NO.

134
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds in accordance with
2 article X, section 6, of the state constitution that this Act is
3 of statewide concern.

4 The legislature further finds that tobacco use is the
5 single most preventable cause of death in the United States,
6 with tobacco-related diseases resulting in \$96,000,000,000 in
7 health care costs annually. The 2012 United States Surgeon
8 General Report states that tobacco use and exposure to
9 secondhand smoke are serious public health concerns and there is
10 no safe level of exposure to environmental tobacco smoke.

11 Additional concerns have been raised about the growing
12 popularity of electronic smoking devices. Sales of electronic
13 smoking devices in the United States have doubled each year
14 since 2008, with sales in 2013 estimated to have reached
15 \$1,700,000,000. Due to the relative lack of research data on
16 electronic smoking devices, many public health organizations and
17 policymakers are concerned about the safety and impact of these
18 products on public health.



1 Smoking and tobacco use is already prohibited in over seven
2 hundred sixty college and university campuses in the United
3 States. Many colleges and universities are also including
4 electronic smoking devices in their campus-wide bans. Smoking
5 and tobacco use on University of Hawaii premises presents
6 substantial fiscal burdens on employee health care costs,
7 absenteeism, and turnover; the maintenance and upkeep of
8 physical facilities; fire risks and losses; and litter control,
9 as well as imposes an adverse impact on the surrounding land and
10 water environments.

11 University of Hawaii's executive policy E10.102 prohibits
12 smoking under certain circumstances, but the policy does not
13 make all campuses smoke- and tobacco-free.

14 The purpose of this Act is to promote positive health
15 practices and protect University of Hawaii students, employees,
16 and visitors from exposure to secondhand smoke and other
17 potentially harmful substances by prohibiting smoking, including
18 the use of electronic smoking devices, and tobacco use on
19 University of Hawaii premises.



SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§304A- Smoking and tobacco use prohibited; University of Hawaii premises. (a) Notwithstanding chapter 328J to the contrary, the University of Hawaii shall prohibit smoking and tobacco use by any person on University of Hawaii premises, to the extent that such a prohibition is not prohibited by federal law. Mere possession or storage of a cigarette, tobacco product, or electronic smoking device for use outside the University of Hawaii premises shall not constitute a violation under this section.

(b) The University of Hawaii shall be responsible for educating students, employees, and visitors about the smoking and tobacco use prohibitions under this section. Clearly legible signs shall be prominently displayed at all entrances to the premises and at other conspicuous outdoor locations throughout the premises and shall state that smoking, including the use of electronic smoking devices, and tobacco use, are prohibited by law.

(c) As used in this section:



1 "Cigarette" has the same meaning as in section 486P-1.

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 but
5 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
10 property owned or controlled by the University of Hawaii or for
11 which the university is otherwise responsible.

12 "Smoke" or "smoking" means inhaling, exhaling, burning, or
13 carrying any lighted or heated tobacco product or plant product
14 intended for inhalation in any manner or in any form. "Smoking"
15 includes the use of an electronic smoking device.

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 "Tobacco use" means the personal use of any tobacco
6 product, including the use of smokeless tobacco."

7 SECTION 3. New statutory material is underscored.

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

APPROVED this 10 day of JUL, 2018




GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate

SB No. 134, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives