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# A BILL FOR AN ACT

RELATING TO ELECTRONIC SMOKING DEVICES.

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

1           SECTION 1. Section 245-1, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By adding two new definitions to be appropriately  
4 inserted and to read:

5           "Electronic smoking device" means any device that may be  
6 used to deliver any aerosolized or vaporized substance to the  
7 person inhaling from the device, including but not limited to an  
8 electronic cigarette, electronic cigar, electronic pipe, vape  
9 pen, or electronic hookah. "Electronic smoking device" includes  
10 any component, part, or accessory of the device, and also  
11 includes any substance that may be aerosolized or vaporized by  
12 such device, regardless of whether the substance contains  
13 nicotine. "Electronic smoking device" does not include drugs,  
14 devices, or combination products authorized for sale by the  
15 United States Food and Drug Administration, as those terms are  
16 defined in the Federal Food, Drug, and Cosmetic Act.



1       "E-liquid" means any liquid or like substance, which may or  
2 may not contain nicotine, that is designed or intended to be  
3 used in an electronic smoking device, whether or not packaged in  
4 a cartridge or other container. "E-liquid" does not include  
5 prescription drugs; cannabis for medical use pursuant to chapter  
6 329 or manufactured cannabis products pursuant to chapter 329D;  
7 or medical devices used to aerosolize, inhale, or ingest  
8 prescription drugs, including manufactured cannabis products  
9 manufactured or distributed in accordance with section 329D-  
10 10(a)."

11       2. By amending the definition of "tobacco products" to  
12 read:

13       "Tobacco products" means [~~tobacco~~]:

- 14       (1) Tobacco in any form, other than cigarettes or little  
15       cigars, that is prepared or intended for consumption  
16       or for personal use by humans, including large cigars  
17       and any substitutes thereof other than cigarettes that  
18       bear the semblance thereof, snuff, chewing or  
19       smokeless tobacco, and smoking or pipe tobacco[~~+~~]; or  
20       (2) Any electronic smoking device or e-liquid."



1 SECTION 2. Chapter 28, part XII, Hawaii Revised Statutes,  
2 is repealed.

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 Statutory material to be repealed is bracketed  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

5 SECTION 4. This Act shall take effect on January 1, 3000.

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**Report Title:**

Electronic Smoking Devices; E-Liquids; Tax

**Description:**

Includes electronic smoking devices and e-liquids under the definition of "tobacco products" for purposes of cigarette tax and tobacco tax law. Repeals the electronic smoking device retailer registration unit under the department of the attorney general. Effective 1/1/3000. (HD2)

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

