
A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS.

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

1 SECTION 1. The legislature finds that the youth vaping
2 epidemic is the result of evolved tobacco products. The
3 legislature further finds that the existing statutory
4 prohibition on tobacco in public schools may be narrowly
5 construed to not account for the growing sector of new
6 electronic smoking devices that deliver nicotine to youth.
7 While the United States Food and Drug Administration has
8 classified vapes and electronic cigarettes as tobacco products,
9 the existing statutory prohibition is vague as to whether the
10 prohibition extends to such devices.

11 The legislature additionally finds that the existing
12 statutory prohibition on tobacco in public schools extends only
13 to the use of tobacco, not the possession. This oversight
14 allows students to be in possession of tobacco without being in
15 violation of the existing statutory prohibition. Such a result
16 is incongruous with the intent of prohibiting youth from
17 accessing tobacco, as evidenced by the provision prohibiting the



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1 possession of tobacco products and electronic smoking devices
2 under the Hawaii Penal Code.

3 Accordingly, the purpose of this Act is to update and
4 expand the statutory prohibition on the use of the tobacco at
5 public schools to be a prohibition on the possession and use of
6 tobacco products and electronic smoking devices.

7 SECTION 2. Section 302A-102, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§302A-102 [Smoking] Tobacco products and electronic
10 smoking devices prohibited. (a) All public schools within the
11 State, from kindergarten through grade twelve, shall prohibit
12 the possession and use of tobacco products and electronic
13 smoking devices at public schools or at public school functions.

14 (b) For purposes of this section:

15 "Electronic smoking device" has the same meaning as defined
16 in section 712-1258.

17 "Tobacco product" has the same meaning as defined in
18 section 712-1258."

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 Statutory material to be repealed is bracketed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

21 SECTION 4. This Act shall take effect on July 1, 2023.



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Report Title:

DOE; Prohibition; Electronic Smoking Devices; Tobacco Products

Description:

Expanding the statutory prohibition on the use of tobacco at public schools and public school functions to be a prohibition on the use and possession of electronic smoking devices and tobacco products.

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