

A Bill for an Act Relating to the Regulation of Tobacco Products.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the unregulated use of electronic smoking devices is potentially hazardous to health and is disruptive to an orderly and productive work environment. The 2014 United States Surgeon General's Report, "The Health Consequences of Smoking—50 Years of Progress," states that studies and assessments by the United States Food and Drug Administration (FDA) and independent scientists have demonstrated enormous variability in design, operation, contents, and emissions of carcinogens, other toxicants, and nicotine from electronic smoking devices. Furthermore, according to the "Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA," testing also suggests that "quality control processes used to manufacture these products are inconsistent or non-existent."

Electronic smoking devices produce an aerosol of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products, but is not designed to combust. The legislature recognizes that using an electronic smoking device closely resembles and purposefully mimics the act of smoking by having a user inhale vaporized liquid nicotine created by heat through an electronic ignition system.

The use of electronic smoking devices in locations where smoking is prohibited also threatens to undermine compliance with smoking regulations, creates a disturbance that impedes employee performance, confuses the public, and reverses the progress that has been made in establishing a social norm that smoking is not permitted in enclosed or partially enclosed public places and places of employment.

Prohibiting the use of electronic smoking devices in enclosed or partially enclosed places where smoking is prohibited will reduce the likelihood that employees and the public will associate the use of electronic smoking devices in enclosed or partially enclosed areas with healthful behavior, reduce the likelihood of nonuser exposure to exhaled toxicants and carcinogens, reduce the likelihood of workplace disturbances, enhance employee productivity, and help ensure compliance with existing smoking regulations.

The purpose of this Act is to prohibit the use of electronic smoking devices in places where smoking is currently prohibited.

SECTION 2. Section 328J-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Electronic smoking device" means any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product, whether or not sold separately.

"Tobacco product" means any product made or derived from tobacco, that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. "Tobacco product" does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Admin-

istration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.”

SECTION 3. Section 328J-1, Hawaii Revised Statutes, is amended by amending the definition of “smoke” or “smoking” to read as follows:

““Smoke” or “smoking” means ~~[inhaling or exhaling the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material.]~~ inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. “Smoking” includes the use of an electronic smoking device.”

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

SECTION 5. This Act shall take effect on January 1, 2016.

(Approved April 23, 2015.)