

ACT 160

S.B. NO. 134

A Bill for an Act Relating to the University of Hawaii.

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

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

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

Additional concerns have been raised about the growing popularity of electronic smoking devices. Sales of electronic smoking devices in the United States have doubled each year since 2008, with sales in 2013 estimated to have

reached \$1,700,000,000. Due to the relative lack of research data on electronic smoking devices, many public health organizations and policymakers are concerned about the safety and impact of these products on public health.

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

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

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

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

“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.

“Premises” means all indoor and outdoor areas within property owned or controlled by the University of Hawaii or for which the university is otherwise responsible.

“Smoke” or “smoking” means 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.

“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,

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

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

SECTION 3. New statutory material is underscored.¹

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

(Approved July 10, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.