

JAN 22 2016

A BILL FOR AN ACT

RELATING TO THE SALE OF E-LIQUID.

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

1 SECTION 1. The legislature finds that according to the
2 Centers for Disease Control and Prevention, calls to poison
3 control centers across the country related to exposure to
4 nicotine in cigarettes have grown considerably since 2010.
5 Poison experts warn that concentrated nicotine in liquid form is
6 significantly toxic, even in small doses, as poisonings related
7 to e-liquid containers can occur when nicotine is inhaled or
8 absorbed through the skin or eyes.

9 The legislature further finds that the packaging and use of
10 electronic smoking devices is potentially hazardous to the
11 health of Hawaii residents, including Hawaii's children, yet
12 many liquids for electronic smoking devices are offered in
13 flavors and scents that are appealing to children. There are
14 currently no packaging requirements for the sale of e-liquid
15 containers. Stringent packaging and labeling requirements for
16 e-liquid containers will protect young children from inadvertent
17 exposure to the contents of electronic smoking device cartridges



1 and also inform consumers whether an e-liquid product contains
2 nicotine, a highly addictive substance.

3 The purpose of this Act is to establish safe and
4 responsible packaging requirements for e-liquid containers to
5 protect Hawaii's children and ensure consumers are better
6 informed regarding the contents of electronic smoking device
7 products.

8 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§328J- Sale of certain e-liquid containers prohibited.

12 (a) It shall be unlawful for any person or business to sell,
13 offer for sale, or introduce into commerce in the State an
14 e-liquid container unless the e-liquid container constitutes
15 child-resistant packaging.

16 (b) It shall be unlawful for any person or business to
17 sell, offer for sale, or introduce into commerce in the State an
18 e-liquid container for an e-liquid product containing nicotine
19 unless the packaging for the e-liquid product clearly and
20 legibly states:



1 (1) "Warning - contains nicotine. Not for sale to persons
2 under 21 years of age."; and

3 (2) "This product is not FDA approved."

4 (c) Any person convicted of violating this section shall
5 be guilty of a misdemeanor.

6 (d) Any person or business that violates this section
7 shall be liable to any person injured as a result of the
8 violation."

9 SECTION 3. Section 328J-1, Hawaii Revised Statutes, is
10 amended by adding three new definitions to be appropriately
11 inserted and to read as follows:

12 "Child-resistant packaging" means packaging that is
13 designed or constructed to be significantly difficult for
14 children under five years of age to open or obtain a toxic or
15 harmful amount of the substance contained therein within a
16 reasonable time and not difficult for adults to use properly.
17 This term does not include packaging which all such children
18 cannot open or obtain a toxic or harmful amount within a
19 reasonable time.



1 "E-liquid" means a liquid product, whether or not it
 2 contains nicotine, that is intended to be vaporized and inhaled
 3 using an electronic smoking device.

4 "E-liquid container" means a bottle or other container of
 5 e-liquid. This term does not include a container holding liquid
 6 that is intended for use in an electronic smoking device if the
 7 container is pre-filled and sealed by the manufacturer and is
 8 not intended to be opened by the consumer."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on January 1, 2017.

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S.B. NO. 2688

Report Title:

E-liquid; Electronic Smoking Devices; Packaging Requirements;
Prohibitions; Penalties

Description:

Beginning January 1, 2017, prohibits the sale of an e-liquid container for an electronic smoking device unless the container is packaged in child-resistant packaging and labeled with warning language, if applicable. Establishes penalties.

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