

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE REGULATION OF ELECTRONIC SMOKING DEVICES.

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

1 SECTION 1. The legislature finds that the unregulated use
2 of electronic smoking devices is potentially hazardous to health
3 and is disruptive to an orderly and productive work environment.
4 Using a noncombustible electronic smoking device closely
5 resembles and purposefully mimics the act of smoking by having a
6 user inhale vaporized liquid nicotine created by heat through an
7 electronic ignition system.

8 The 2014 United States Surgeon General's report on the
9 health consequences of smoking states that studies and
10 assessments by the Food and Drug Administration and independent
11 scientists have demonstrated enormous variability in design,
12 operation, and contents, and emissions of carcinogens, other
13 toxicants, and nicotine from electronic smoking devices. The
14 Food and Drug Administration's testing also suggests that
15 "quality control processes used to manufacture these products
16 are inconsistent or non-existent".



1 The legislature further finds that electronic smoking
2 devices produce an aerosol of undetermined and potentially
3 harmful substances, which may appear similar to the smoke
4 emitted by traditional tobacco products. The use of electronic
5 smoking devices in locations where smoking is prohibited
6 threatens to undermine compliance with smoking regulations,
7 creates a disturbance that impedes employee performance,
8 confuses the public, and reverses the progress that has been
9 made in establishing a social norm that smoking is not permitted
10 in enclosed or partially enclosed public places and places of
11 employment.

12 Prohibiting the use of electronic smoking devices in
13 enclosed or partially enclosed places where smoking is
14 prohibited will reduce the likelihood that employees and the
15 public will associate the use of electronic smoking devices in
16 enclosed or partially enclosed areas with healthful behavior,
17 reduce the likelihood of nonuser exposure to exhaled toxicants
18 of potential harm, reduce the likelihood of workplace
19 disturbances, enhance employee productivity, and help ensure
20 compliance with existing smoking regulations.



1 Accordingly, the purpose of this Act is to prohibit the use
2 of electronic smoking devices in places where smoking is
3 currently prohibited and to update signage requirements to
4 reflect the new prohibition.

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

8 "Electronic smoking device" means any electronic product
9 that delivers nicotine or other substances to the person
10 inhaling from the device, including but not limited to an
11 electronic cigarette, electronic cigar, electronic pipe, vape
12 pen, or electronic hookah. "Electronic smoking device" includes
13 any component, part, or accessory of such a product, whether or
14 not sold separately. "Electronic smoking device" does not
15 include drugs, devices, or combination products approved for
16 sale by the United States Food and Drug Administration, as those
17 terms are defined in the Federal Food, Drug, and Cosmetic Act.

18 "Tobacco product" means any product that is made from or
19 derived from tobacco, which contains nicotine or a similar
20 substance, and is intended for human consumption or is likely to
21 be consumed, whether smoked, heated, chewed, absorbed,



1 dissolved, inhaled, or ingested by any other means, including
2 but not limited to a cigarette, cigar, pipe tobacco, chewing
3 tobacco, snuff, snus, or an electronic smoking device. "Tobacco
4 product" does not include drugs, devices, or combination
5 products approved for sale by the United States Food and Drug
6 Administration, as those terms are defined in the Federal Food,
7 Drug, and Cosmetic Act."

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

11 "Smoke" or "smoking" means ~~[inhaling or exhaling the fumes~~
12 ~~of tobacco or any other plant material, or burning or carrying~~
13 ~~any lighted smoking equipment for tobacco or any other plant~~
14 ~~material.]~~ inhaling, exhaling, burning, or carrying any lighted
15 or heated tobacco product or plant product intended for
16 inhalation in any manner or in any form. "Smoking" includes the
17 use of an electronic smoking device."

18 SECTION 4. Section 328J-9, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§328J-9[+] **Signs.** (a) Clearly legible signs that
21 include the words "Smoking Prohibited by Law[" ~~with letters of~~



S.B. NO. 757

1 ~~not less than one inch in height]~~ Including E-cigarettes And All
2 Other Electronic Smoking Devices" or the international "No
3 Smoking" symbol, consisting of a pictorial representation of a
4 burning cigarette and a symbol of an electronic smoking device
5 enclosed in a red circle with a red bar across it, or both,
6 shall be clearly and conspicuously posted in and at the entrance
7 to every place open to the public and place of employment where
8 smoking is prohibited by this chapter by the owner, operator,
9 manager, or other person in control of that place.

10 (b) In signs required by this section, the words "Smoking
11 Prohibited by Law" shall be in letters of not less than
12 three-quarters of an inch in height, and the remaining words
13 shall be in letters of not less than one-quarter inch in
14 height."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on September 1,
18 2015.

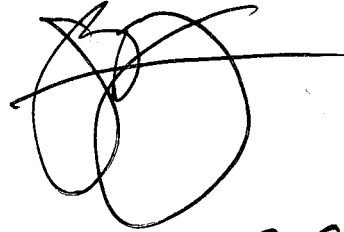
19 INTRODUCED BY:

Reynold H. Baker
John D.
Erinanne Chun (Leland) *Chenue K. Sisk*



S.B. NO. 757

Will Eyer



Russell E. R. D.

Mike Gabbard

Samuel L. Taylor



S.B. NO. 757

Report Title:

Electronic Smoking Devices; Regulations; Signage Requirements

Description:

Prohibits the use of electronic smoking devices in places where smoking is prohibited. Updates signage requirements.

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

