
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".

17 The legislature further finds that electronic smoking
18 devices produce an aerosol of undetermined and potentially



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

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

19 Accordingly, the purpose of this Act is to prohibit the use
20 of electronic smoking devices in places where smoking is



1 currently prohibited and to update signage requirements to
2 reflect the new prohibition.

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

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

16 "Tobacco product" means any product that is made from or
17 derived from tobacco, which contains nicotine or a similar
18 substance, and is intended for human consumption or is likely to
19 be consumed, whether smoked, heated, chewed, absorbed,
20 dissolved, inhaled, or ingested by any other means, including
21 but not limited to a cigarette, cigar, pipe tobacco, chewing



1 tobacco, snuff, snus, or an electronic smoking device. "Tobacco
2 product" does not include drugs, devices, or combination
3 products approved for sale by the United States Food and Drug
4 Administration, as those terms are defined in the Federal Food,
5 Drug, and Cosmetic Act."

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

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

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

18 "[~~+~~]**§328J-9**[~~+~~] **Signs.** (a) Clearly legible signs that
19 include the words "Smoking Prohibited by Law["~~with letters of~~
20 ~~not less than one inch in height~~] Including E-cigarettes And All
21 Other Electronic Smoking Devices" or the international "No



1 Smoking" symbol, consisting of a pictorial representation of a
2 burning cigarette and a symbol of an electronic smoking device
3 enclosed in a red circle with a red bar across it, or both,
4 shall be clearly and conspicuously posted in and at the entrance
5 to every place open to the public and place of employment where
6 smoking is prohibited by this chapter by the owner, operator,
7 manager, or other person in control of that place.

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

12 (c) Any establishment, facility, or outdoor area, or any
13 part thereof, where an owner exercises the right to prohibit
14 smoking under section 328J-8 prior to September 15, 2015, and
15 previously installs signs, in addition to the signs clearly and
16 conspicuously posted in and at the entrance to such
17 establishment, facility, or outdoor area, or any part thereof,
18 that complies with section 328J-9 as enacted prior to
19 September 15, 2015, shall be allowed to retain such previously
20 installed signs, other than at the entrance to such
21 establishment, facility, or outdoor area, or any part thereto,



1 and shall not be required to replace such previously installed
2 signs with any new signage that includes a symbol of an
3 electronic smoking device."

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

6 SECTION 6. This Act shall take effect on September 1,
7 2015.



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, with certain exceptions. Takes effect on 9/1/2015. (SD1)

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

