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# A BILL FOR AN ACT

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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 federal Food and Drug Administration and  
11 independent scientists have demonstrated enormous variability in  
12 design, operation, and contents, and emissions of carcinogens,  
13 other toxicants, and nicotine from electronic smoking devices.  
14 The 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 a new definition to be appropriately inserted  
5 and to read as follows:

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

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

16 "Smoke" or "smoking" means ~~[inhaling or exhaling the fumes~~  
17 ~~of tobacco or any other plant material, or burning or carrying~~  
18 ~~any lighted smoking equipment for tobacco or any other plant~~  
19 ~~material.] inhaling, exhaling, burning, or carrying any lighted~~  
20 or heated tobacco or plant product intended for inhalation in



1 any manner or in any form. "Smoking" includes the use of an  
2 electronic smoking device."

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

5 **"~~[f]~~§328J-9~~[f]~~ Signs.** (a) Clearly legible signs that  
6 include the words "Smoking Prohibited by Law[" ~~with letters of~~  
7 ~~not less than one inch in height]~~ Including E-cigarettes and All  
8 Other Electronic Smoking Devices" or the international "No  
9 Smoking" symbol, consisting of a pictorial representation of a  
10 burning cigarette and a symbol of an electronic smoking device  
11 enclosed in a red circle with a red bar across it, or both,  
12 shall be clearly and conspicuously posted in and at the entrance  
13 to every place open to the public and place of employment where  
14 smoking is prohibited by this chapter by the owner, operator,  
15 manager, or other person in control of that place.

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

20 (c) Any establishment, facility, or outdoor area, or any  
21 part thereof, where an owner exercises the right to prohibit



1 smoking under section 328J-8 prior to September 15, 2015, and  
2 previously installs signs, in addition to the signs clearly and  
3 conspicuously posted in and at the entrance to such  
4 establishment, facility, or outdoor area, or any part thereof,  
5 that complies with this section as enacted prior to  
6 September 15, 2015, shall be allowed to retain such previously  
7 installed signs, other than at the entrance to such  
8 establishment, facility, or outdoor area, or any part thereto,  
9 and shall not be required to replace such previously installed  
10 signs with any new signage that includes a symbol of an  
11 electronic smoking device."

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

14 SECTION 6. This Act shall take effect on September 1,  
15 2015.



**Report Title:**

Electronic Smoking Devices; Smoking; Prohibition; 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. (SD2)

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

