

JAN 24 2024

A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS.

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

1 SECTION 1. The legislature finds that the existing
2 statutory prohibition on tobacco in public schools may be
3 narrowly construed to not account for the growing sector of new
4 electronic smoking devices that deliver nicotine to youth.
5 While the United States Food and Drug Administration has
6 classified vapes and electronic cigarettes as tobacco products,
7 the existing statutory prohibition is vague as to whether the
8 prohibition extends to such devices. Additionally, the existing
9 statutory prohibition on tobacco in public schools extends only
10 to the use of tobacco, not the possession. This oversight
11 allows students to be in possession of tobacco without being in
12 violation of the existing statutory prohibition.

13 The legislature further finds that in October 2022, the
14 annual Hawaii children and youth summit convened children from
15 across the State to help prioritize issues for Hawaii's youth.
16 Through their discussion, the children highlighted the need to
17 create middle and high school programs with peer-to-peer



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1 support, establish therapy and counseling services that
2 emphasize the consequences of smoking, and increase awareness
3 about health education in schools.

4 Accordingly, the purpose of this Act is to:

5 (1) Update and expand the statutory prohibition on the use
6 of tobacco at public schools to include prohibiting
7 the possession and use of electronic smoking devices;
8 and

9 (2) Require the department of education to be responsible
10 for educating students, employees, and visitors about
11 the smoking and tobacco use prohibitions.

12 SECTION 2. Section 302A-102, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~§302A-102 [Smoking]~~ Tobacco products and electronic
15 smoking devices prohibited. (a) All public schools within the
16 State, from kindergarten through grade twelve, shall prohibit
17 the possession and use of tobacco products and electronic
18 smoking devices at public schools or at public school functions.

19 (b) The department shall be responsible for educating
20 students, employees, and visitors about the smoking and tobacco



1 use prohibitions pursuant to this section. Clearly legible
2 signs shall:

3 (1) Be prominently displayed at all entrances to the
4 premises and at other conspicuous outdoor locations
5 throughout the premises; and

6 (2) State that smoking, including the use of electronic
7 smoking devices, electronic nicotine delivery systems,
8 and tobacco use, are prohibited by law.

9 (c) For the purposes of this section:

10 "Cigarette" has the same meaning as in section 486P-1.

11 "Electronic nicotine delivery system":

12 (1) Means any electronic device that, through an
13 aerosolized solution, delivers nicotine, flavor, or
14 any other substance to the user inhaling from the
15 device;

16 (2) Includes:

17 (A) An e-cigarette;

18 (B) An e-hookah;

19 (C) An e-cigar;

20 (D) A vape pen;

21 (E) An advanced refillable personal vaporizer;



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- 1 (F) An electronic pipe; and
- 2 (G) Any component, liquid, part, or accessory of a
- 3 device described in paragraph (1), without regard
- 4 to whether the component, liquid, part, or
- 5 accessory is sold separately from the device; and
- 6 (3) Does not include a product that is:
- 7 (A) Approved by the United States Food and Drug
- 8 Administration for:
- 9 (i) Sale as a tobacco cessation product; or
- 10 (ii) Any other therapeutic purpose; and
- 11 (B) Marketed and sold solely for a purpose described
- 12 in subparagraph (A).
- 13 "Electronic smoking device" has the same meaning as in
- 14 section 304A-122.
- 15 "Premises" means all indoor and outdoor areas within
- 16 property owned or controlled by the department or for which the
- 17 department is otherwise responsible.
- 18 "Smoke" or "smoking" has the same meaning as in section
- 19 304A-122.
- 20 "Tobacco product" has the same meaning as in section 712-
- 21 1258.



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1 "Tobacco use" has the same meaning as in section 304A-122."

2 SECTION 3. Statutory material to be repealed is bracketed
3 and stricken. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2024.

5

INTRODUCED BY: _____

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Report Title:

Electronic Smoking Devices; Tobacco Products; Public Schools;
Prohibition; Department of Education

Description:

Updates and expands the statutory prohibition on the use of tobacco at public schools to include prohibiting the possession and use of electronic smoking devices. Requires the Department of Education to be responsible for educating students, employees, and visitors about smoking and tobacco use prohibitions.

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

