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# A BILL FOR AN ACT

RELATING TO A VAPING STORE REGISTRY.

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

1       SECTION 1. The legislature finds that the use of  
2 electronic smoking devices has increased significantly,  
3 particularly among Hawaii's youth, posing a public health  
4 concern. Establishing a statewide vaping store registry will  
5 enhance oversight of the sale and distribution of electronic  
6 smoking devices and related products, ensure compliance with  
7 applicable laws, and support public health efforts.

8       The purpose of this Act is to establish a vaping store  
9 registry in the State, requiring all retailers and distributors  
10 of electronic smoking devices and related products to register  
11 annually with the department of health.

12       SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
13 amended by adding a new part to be appropriately designated and  
14 to read as follows:

15                       "PART       .    VAPING STORE REGISTRY

16       §321-A Definitions. As used in this part, unless the  
17 context otherwise requires:



1 "Department" means the department of health.

2 "Electronic smoking device" means any device that may be  
3 used to deliver any aerosolized or vaporized substance to a  
4 person inhaling from the device, including but not limited to an  
5 electronic cigarette, electronic cigar, electronic pipe, vape  
6 pen, or electronic hookah. "Electronic smoking device" does not  
7 include drugs, devices, or combination products authorized for  
8 sale by the United States Food and Drug Administration, and  
9 subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
10 301 et seq.).

11 "E-liquid" means any liquid or like substance, which may or  
12 may not contain nicotine, that is designed or intended to be  
13 used in an electronic smoking device, whether or not packaged in  
14 a cartridge or other container. "E-liquid" does not include:

- 15 (1) Prescription drugs;
- 16 (2) Cannabis for medical use pursuant to chapter 329 or  
17 manufactured cannabis products pursuant to chapter  
18 329D; or
- 19 (3) Medical devices used to aerosolize, inhale, or ingest  
20 prescription drugs, including manufactured cannabis  
21 products described in section 329D-10.



1 "Vaping store" means a retail or wholesale establishment  
2 that sells electronic smoking devices, e-liquids, or related  
3 accessories as a significant portion of its business.

4 **§321-B Vaping store registry.** (a) The department shall  
5 maintain a vaping store registry to track all businesses selling  
6 electronic smoking devices, e-liquids, and related products  
7 within the State.

8 (b) Beginning January 1, 2026, each vaping store in the  
9 State shall register annually with the department. Each person  
10 seeking to register under this subsection shall submit to the  
11 department an application that shall contain the following:

- 12 (1) Business name and address;
- 13 (2) Owner's name and contact information;
- 14 (3) State tax identification number;
- 15 (4) Certification of compliance with federal and state  
16 laws governing the sale of electronic smoking devices;  
17 and
- 18 (5) Any additional information as required by the  
19 department.



1 (c) The department shall charge an annual registration fee  
2 of \$250, to be deposited into the Hawaii tobacco prevention and  
3 control trust fund.

4 **§321-C Inspections and enforcement.** (a) The department  
5 or its authorized agents shall conduct annual inspections of  
6 registered vaping stores to ensure compliance with applicable  
7 federal and state laws.

8 (b) Any business found to be noncompliant with the  
9 inspections may be subject to:

10 (1) Fines of an amount of no more than \$5,000 for each  
11 violation;

12 (2) Suspension or revocation of its registration; and

13 (3) Referral to an appropriate law enforcement agency, if  
14 the business is found to be in violation of laws under  
15 that agency's jurisdiction.

16 **§321-D Prohibited activities.** (a) It shall be unlawful  
17 for any vaping store to:

18 (1) Operate without a valid registration issued by the  
19 department under this part;



1           (2) Sell or distribute electronic smoking devices, e-  
2           liquids, or related products to individuals under the  
3           age of twenty-one; or

4           (3) Sell counterfeit or unregulated products.

5           (b) Violations of this section shall result in fines,  
6           suspensions, or permanent revocation as determined by the  
7           department.

8           **§321-E Rules.** The department shall adopt rules pursuant  
9           to chapter 91 to implement and enforce the provisions of this  
10          part, including rules for registration, inspections, penalties,  
11          and appeals."

12          SECTION 3. Section 328L-5, Hawaii Revised Statutes, is  
13          amended by amending subsection (e) to read as follows:

14          "(e) The assets of the Hawaii tobacco prevention and  
15          control trust fund shall consist of:

16          (1) Fees assessed under section 321-B;

17          ~~[-(1)-]~~ (2) Moneys appropriated under section 328L-2(b)(2);

18          ~~[-(2)-]~~ (3) Moneys appropriated to the Hawaii tobacco  
19          prevention and control trust fund by the state,  
20          county, or federal government;

21          ~~[-(3)-]~~ (4) Private contributions of cash or property; and



1        [~~4~~] (5) Income and capital gains earned by the trust  
2                    fund."

3            SECTION 4. In codifying the new sections added by section  
4 2 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7            SECTION 5. If any provision of this Act, or the  
8 application thereof to any person or circumstance, is held  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the Act that can be given effect without the  
11 invalid provision or application, and to this end the provisions  
12 of this Act are severable.

13           SECTION 6. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16           SECTION 7. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 8. This Act shall take effect on July 1, 2025.



H.B. NO. 1248

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INTRODUCED BY:

*[Handwritten Signature]*

JAN 22 2025



# H.B. NO. 1248

**Report Title:**

Vaping Store Registry; DOH; Electronic Smoking Devices;  
Penalties

**Description:**

Requires, beginning 1/1/2026, vaping stores to register with the Department of Health and be subject to inspections for compliance with federal and state laws.

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

