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# A BILL FOR AN ACT

RELATING TO DISPOSABLE ELECTRONIC SMOKING DEVICES.

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

1           SECTION 1. The legislature finds that waste from the use  
2 of disposable electronic cigarettes poses significant  
3 environmental problems. Disposable electronic cigarettes are  
4 not recyclable and contain hazardous components like lithium-ion  
5 batteries and liquid nicotine, thereby contributing to plastic  
6 pollution, landfill fires, and the leaching of toxic chemicals  
7 into waterways. Confusion concerning proper disposal of the  
8 devices further complicates safe waste management. According to  
9 a study conducted by Truth Initiative, over half of young people  
10 surveyed discarded their disposable smoking devices in the  
11 trash, less than a quarter saved their empty devices, and  
12 approximately an eighth reported recycling their devices.

13           The legislature further finds that the local and global  
14 impact of the world's increasing waste stream is unsustainable  
15 and detrimental to the environmental integrity of the State.  
16 The exponential rise in single-use plastics and bioplastics has  
17 worsened problems related to street and beach litter, ocean



1 pollution, and marine and other wildlife harm. An estimated  
2 eighty per cent of marine debris originates on land, primarily  
3 as escaped refuse and litter, much of it plastic, via urban  
4 runoff. It is now estimated that 8.75 million metric tons of  
5 plastic enter the ocean each year from land-based sources.

6 The legislature notes that the lithium-ion batteries used  
7 in disposable electronic smoking devices pose significant fire  
8 risks. Despite laws regulating the disposal of lithium-ion  
9 batteries, many are improperly discarded, resulting in their  
10 disposition in landfills or other inappropriate parts of the  
11 solid waste system.

12 The legislature acknowledges that according to the Bureau  
13 of Investigative Journalism, at least five disposable electronic  
14 cigarettes are thrown away every second in the United States,  
15 amounting to 150 million devices per year. Yet, clear disposal  
16 guidance from federal regulatory agencies and electronic  
17 cigarette manufacturers is lacking. State and local governments  
18 are therefore responsible for filling the regulatory gap by  
19 establishing standards to manage the environmental risks  
20 associated with electronic cigarette products.



1           Accordingly, the purpose of this Act is to safeguard the  
2 environment from hazardous electronic cigarette waste by banning  
3 and penalizing the sale of certain disposable electronic  
4 cigarettes throughout the State.

5           SECTION 2. Chapter 328J, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§328J- Disposable electronic smoking devices;  
9 prohibited. (a) Beginning January 1, 2027, it shall be  
10 unlawful for any person or entity to sell, offer for sale, or  
11 distribute, directly or indirectly, a disposable electronic  
12 smoking device.

13           (b) The unlawful sale of not more than twenty disposable  
14 electronic smoking devices pursuant to subsection (a) shall  
15 constitute a single violation of this section.

16           (c) A person who violates subsection (a) shall be subject  
17 to a fine of not more than \$ \_\_\_\_\_ per day of each  
18 violation.

19           (d) For the purposes of this section, "disposable  
20 electronic smoking device" means any electronic product that:



- 1        (1) Can be used to aerosolize and deliver nicotine or
- 2        other substances to the person inhaling the device;
- 3        (2) Is not refillable, has a non-rechargeable battery, and
- 4        is intended to be discarded after use; and
- 5        (3) Includes an electronic cigarette, electronic cigar,
- 6        electronic cigarillo, or electronic pipe, and any
- 7        cartridge or other component of the device or related
- 8        product.

9        "Disposable electronic smoking device" does not include a device  
10       authorized for sale by a marketing granted order issued by the  
11       United States Food and Drug Administration pursuant to title 21  
12       United States Code section 387j."

13       SECTION 3. 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 4. New statutory material is underscored.

17       SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 2175  
S.D. 2

**Report Title:**

Disposable Electronic Smoking Devices; Prohibition; Penalty

**Description:**

Beginning 1/1/2027, prohibits selling, offering for sale, or distributing certain disposable electronic smoking devices.  
(SD2)

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