

ACT 25

S.B. NO. 305

A Bill for an Act Relating to Use of Tobacco Products and E-Cigarettes on Hawaii Health Systems Corporation Premises.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that facilities within the Hawaii health systems corporation are committed to providing quality healthcare for the people of Hawaii and taking steps to lessen the occurrence of preventable disease. Consistent with this commitment, the corporation must not permit the use of tobacco and other potentially dangerous substances on the campuses of its health facilities. Allowing such use would not only expose vulnerable patients, employees, and visitors to the perils of harmful substances, but would also demonstrate a shortcoming in the corporation's goal of reducing the occurrence of preventable disease.

The purpose of this Act is to protect patients, employees, and all other visitors to the health facilities within the Hawaii health systems corporation from exposure to second-hand smoke and other potentially harmful substances as well as to promote positive health practices by prohibiting any person from using tobacco products or electronic smoking devices, often referred to as e-cigarettes, on the premises of any Hawaii health systems corporation facility.

SECTION 2. Chapter 323F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§323F- Tobacco and electronic smoking devices use prohibited. (a) Notwithstanding the less restrictive requirements of chapter 328J, the Hawaii health systems corporation shall prohibit the use of any tobacco product or electronic smoking device by any person on the premises of all facilities operated by the corporation within the State, to the extent not prohibited by federal law and regulation.

(b) Pursuant to section 89-9(d), the tobacco and electronic smoking device use prohibitions under this section shall not be subject to collective bargaining.

(c) The corporation shall prominently display signs stating that “tobacco and electronic smoking device use is prohibited” at all entrances to the corporation's health facilities and at other conspicuous locations throughout the outdoor premises of each health facility.

(d) For the purposes of this section:

“Electronic smoking device” means any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any

cartridge or other component of the device or related product, whether or not sold separately.

“Premises” means all indoor and outdoor areas within the state-designated property boundary lines of each of the corporation’s health facilities and shall include all employee and visitor parking lots.

“Tobacco or electronic smoking device use” does not include mere possession or storage of the same for use in locations outside the premises of the corporation’s health facilities.

“Tobacco product” means any product made or derived from tobacco that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. “Tobacco product” does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 26, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.