
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. The legislature finds that according to the
2 Centers for Disease Control and Prevention, calls to poison
3 control centers across the country related to exposure to
4 nicotine in cigarettes have grown considerably since 2010.
5 Poison experts warn that concentrated nicotine in liquid form is
6 significantly toxic, even in small doses, as poisonings related
7 to e-liquid containers can occur when nicotine is inhaled or
8 absorbed through the skin or eyes.

9 The legislature further finds that the packaging and use of
10 electronic smoking devices are potentially hazardous to the
11 health of Hawaii residents, including Hawaii's children, yet
12 many liquids for electronic smoking devices are offered in
13 flavors and scents that are appealing to children. There are
14 currently no packaging requirements for the sale of e-liquid
15 containers. Stringent packaging and labeling requirements for
16 e-liquid containers will protect young children from inadvertent
17 exposure to the contents of electronic smoking device cartridges



1 and also inform consumers whether an e-liquid product contains
2 nicotine, a highly addictive substance.

3 The purpose of this Act is to establish safe and
4 responsible packaging requirements for e-liquid containers to
5 protect Hawaii's children and ensure consumers are better
6 informed regarding the contents of electronic smoking device
7 products.

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

11 "§328J- Sale of certain e-liquid containers prohibited.

12 (a) It shall be unlawful for any person or business to sell,
13 offer for sale, or introduce into commerce in the State an
14 e-liquid container unless the e-liquid container constitutes
15 child-resistant packaging.

16 (b) It shall be unlawful for any person or business to
17 sell, offer for sale, or introduce into commerce in the State an
18 e-liquid container that includes e-liquid containing nicotine
19 unless the packaging for the e-liquid clearly and legibly
20 states:



- 1 (1) "Warning - contains nicotine: (mg/mL). Over 21
- 2 only."; and
- 3 (2) "Do not swallow or get on skin or eyes. Keep out of
- 4 reach of children and pets. For help call 911 or
- 5 Hawaii Poison Control Center - 800-222-1222."
- 6 (c) Any person convicted of violating this section shall
- 7 be guilty of a penalty."

8 SECTION 3. Chapter 330C, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 "§330C- E-liquid packaging standards. It shall be
 12 unlawful for any person or business to sell, offer for sale, or
 13 introduce into commerce in the State an e-liquid container
 14 unless the e-liquid container is packaged pursuant to section
 15 328J- ."

16 SECTION 4. Section 328J-1, Hawaii Revised Statutes, is
 17 amended by adding three new definitions to be appropriately
 18 inserted and to read as follows:

19 "Child-resistant packaging" means packaging that is
 20 designed or constructed to be significantly difficult for
 21 children under five years of age to open or obtain a toxic or



1 harmful amount of the substance contained therein within a
 2 reasonable time and not difficult for adults to use properly.
 3 This term does not pertain to other packaging or trade dress of
 4 an e-liquid container that all such children can open within a
 5 reasonable amount of time or from which all such children can
 6 obtain a toxic or harmful amount of the substance contained
 7 therein within a reasonable amount of time.

8 "E-liquid" means a liquid product, whether or not it
 9 contains nicotine, that is intended to be vaporized and inhaled
 10 using an electronic smoking device.

11 "E-liquid container" means a bottle or other container of
 12 e-liquid. This term does not include a container holding liquid
 13 that is intended for use in an electronic smoking device if the
 14 container is pre-filled and sealed by the manufacturer and is
 15 not intended to be opened by the consumer."

16 SECTION 5. Section 330C-3, Hawaii Revised Statutes, is
 17 amended by amending the definition of "hazardous substance" to
 18 read as follows:

19 "(3) "Hazardous substance" means:

- 20 (A) Any substance or mixture of substances which (i)
- 21 is toxic, (ii) is corrosive, (iii) is an



1 irritant, (iv) is a strong sensitizer, (v) is
2 flammable or combustible, or (vi) generates
3 pressure through decomposition, heat, or other
4 means, if such substance or mixture of substances
5 may cause substantial personal injury or
6 substantial illness during or as a proximate
7 result of any customary or reasonably foreseeable
8 handling or use, including reasonably foreseeable
9 ingestion by children.

10 (B) Any substances which the director by rule finds
11 pursuant to section 330C-4(1), meet the
12 requirements of subparagraph (A) of this
13 paragraph.

14 (C) Any radioactive substances, if, with respect to
15 such substances as used in a particular class of
16 article or as packaged, the director determines
17 by regulation that the substance is sufficiently
18 hazardous to require labeling in accordance with
19 this chapter in order to protect the public
20 health.



1 (D) The term "hazardous substance" shall not apply to
2 pesticides subject to the Federal Insecticide,
3 Fungicide, and Rodenticide Act, nor to foods,
4 drugs, and cosmetics subject to the Federal Food,
5 Drug, and Cosmetic Act, nor to substances
6 intended for use as fuels when stored in
7 containers and used in the heating, cooking, or
8 refrigeration system of a house, but such term
9 shall apply to any article which is not itself an
10 economic poison within the meaning of the Federal
11 Insecticide, Fungicide, and Rodenticide Act but
12 which is a hazardous substance within the meaning
13 of subparagraph (A) of this paragraph by reason
14 of bearing or containing such a pesticide.

15 (E) The term "hazardous substance" shall not include
16 any source material, special nuclear material, or
17 byproduct material as defined in the Atomic
18 Energy Act of 1954, as amended, and regulations
19 issued pursuant thereto by the Atomic Energy
20 Commission.



1 (F) E-liquid as defined in section 328J-1; provided
2 that e-liquid containers shall be packaged
3 pursuant to section 328J- ."

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on January 1, 2017.



Report Title:

E-liquid; Electronic Smoking Devices; Packaging Requirements;
Prohibitions; Penalties

Description:

Beginning January 1, 2017, prohibits the sale of an e-liquid container for an electronic smoking device unless the container is child-resistant and prohibits the sale of an e-liquid container that includes e-liquid containing nicotine unless the e-liquid packaging is labeled with warning language. Establishes a violation as a penalty. Includes e-liquid under the definition of "hazardous substance" as used in the Hawaii Poison Prevention Packaging Act. (SD1)

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

