

S.B. NO. 2819

JAN 25 2012

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A BILL FOR AN ACT

RELATING TO SALES OF ELECTRONIC CIGARETTES.

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

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**PART I**

2 SECTION 1. Section 245-1 Hawaii Revised Statutes, is  
3 amended by amending the definition of "tobacco products" to  
4 read:

5 "Tobacco products" means tobacco in any form, other than  
6 cigarettes or little cigars, that is prepared or intended for  
7 consumption or for personal use by humans, including large  
8 cigars and any substitutes thereof other than cigarettes that  
9 bear the semblance thereof, snuff, chewing or smokeless tobacco,  
10 [and] smoking or pipe tobacco, and electronic cigarettes as  
11 defined under section 709-908, Hawaii Revised Statutes.

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**PART II**

13 SECTION 2. Section 709-908, Hawaii Revised Statutes, is  
14 amended by amending subsection (1) to read as follows:

15 "(1) It shall be unlawful to sell or furnish tobacco in  
16 any shape or form, including chewing tobacco and snuff to a  
17 minor under eighteen years of age. For the purposes of this  
18 section the terms "tobacco" and "tobacco products" include


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1 electronic cigarettes. "Electronic cigarette" or "e-cigarette"  
2 means any mechanical heating element, battery, or electronic  
3 circuit, which can be used to deliver a vapor of nicotine or any  
4 other substances, and the use or inhalation of which simulates  
5 smoking. The term shall include any such device, whether  
6 manufactured, distributed, marketed, or sold as an e-cigarette,  
7 e-cigar, e-pipe, any cartridge or component of the device or  
8 related product, or under any other product name or descriptor.

9 SECTION 3. Statutory material to be repealed is bracketed.  
10 New statutory material is underscored.

11 SECTION 4. This Act shall take effect July 1, 2012.

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INTRODUCED BY: 

BY REQUEST

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**Report Title:**

Relating to sales of electronic cigarettes

**Description:**

Places e-cigarettes with other tobacco products as items prohibited to be sold to a minor and amends the definition of "tobacco products" for purposes of taxation.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO SALES OF ELECTRONIC CIGARETTE.

PURPOSE: Classifies electronic cigarette devices as tobacco products to restrict sales to persons under eighteen and for taxation.

MEANS: Amend sections 245-1 and 709-908, Hawaii Revised Statutes.

JUSTIFICATION: The electronic cigarette is a battery-powered nicotine inhalation device that delivers nicotine to the user through a vaporized propylene glycol solution from cartridges which contain high levels of nicotine, along with other potentially dangerous substances.

Although traditional cigarettes are linked to over 1,100 premature and avoidable deaths in Hawaii annually (430,000 nationally), there is very little known about the long term health effects of the use of electronic cigarettes or the vapors given off. Further, there is no current federal regulation of the content or production of the e-cigarette or its cartridges.

Therefore, due to 1) the known health risks of tobacco, 2) the tobacco industry's historical targeting of youth, and 3) the similarity of purpose and effect to traditional tobacco cigarettes, generally considered a "gateway" substance to other (including illegal) substances, this bill prohibits sales to persons under 18 years of age and subjects sales of such devices to Chapter 245.

Impact on the public: This bill prevents sales of electronic cigarettes to persons under 18 years of age. The public may see a reduction in the harm caused by misuse of the e-cigarette device by people under 18 and recognize that e-cigarettes are yet another form of nicotine delivery that can lead to use of other tobacco products in youth.

Impact on the department and other agencies: The Department of Health may need to monitor utilization and implement public health education interventions, as well as coordinate with tobacco sales-enforcement entities such as county police departments and Department of Taxation.

GENERAL FUND: \$140,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: County police departments, Department of Attorney General, Department of Taxation.

EFFECTIVE DATE: July 1, 2012.