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# 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:**

1           SECTION 1. The legislature finds that facilities within  
2 the Hawaii health systems corporation are committed to providing  
3 quality healthcare for the people of Hawaii and taking steps to  
4 reduce the occurrence of preventable disease. Permitting the  
5 use of tobacco and other potentially dangerous substances on the  
6 premises of its health facilities is inconsistent with this  
7 commitment. Allowing such use would not only expose patients,  
8 employees, and visitors to the perils of harmful substances, but  
9 would also be counterproductive to the corporation's goal of  
10 reducing the occurrence of preventable disease.

11           The purpose of this Act is to promote positive health  
12 practices that protect patients, employees, and visitors of the  
13 health facilities of the Hawaii health systems corporation from  
14 exposure to secondhand smoke and other potentially harmful  
15 substances by prohibiting the use of tobacco products or  
16 electronic smoking devices, commonly referred to as "e-



1 cigarettes" or "electronic cigarettes", on the premises of any  
2 Hawaii health systems corporation health facility and making  
3 tobacco-cessation programs available to public employees of  
4 those health facilities.

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

8 "§323F- Tobacco product and electronic smoking device;  
9 use prohibited; education. (a) The corporation shall prohibit  
10 the use of any tobacco product or electronic smoking device by  
11 any person on the premises of all health facilities operated by  
12 the corporation within the State, to the extent not prohibited  
13 by federal law or regulation.

14 (b) The corporation shall provide tobacco cessation  
15 programs for public employees of the corporation's health  
16 facilities who are interested in participating in the programs;  
17 provided that issues relating to program costs shall not be  
18 considered a cost item under collective bargaining and shall be  
19 part of the operating budget of the Hawaii health systems  
20 corporation.



1        (c) The prohibition of tobacco and electronic smoking  
2 device use by public employees under this section shall be  
3 subject to consultation pursuant to section 89-9(c).

4        (d) The corporation shall be responsible for educating all  
5 health facility personnel, contractors, patients, and visitors  
6 of the corporation's health facilities regarding the  
7 prohibitions under this section. The corporation shall  
8 prominently display signs stating that "tobacco and electronic  
9 smoking device use is prohibited" at all entrances to the  
10 corporation's health facilities and at other conspicuous  
11 locations throughout the outdoor premises of each health  
12 facility, in compliance with section 328J-8.

13        (e) For purposes of this section:

14        "Electronic smoking device" means any electronic product  
15 that can be used to aerosolize and deliver nicotine or other  
16 substances to the person inhaling from the device including but  
17 not limited to an electronic cigarette, electronic cigar,  
18 electronic cigarillo, electronic pipe, hookah pipe, or hookah  
19 pen, and any cartridge or other component of the device or  
20 related product, whether or not sold separately.



1       "Premises" shall mean all indoor and outdoor areas within  
2 the State-designated property boundary lines of each of the  
3 corporation's health facilities and shall include all employee  
4 and visitor parking lots.

5       "Tobacco or electronic smoking device use" does not include  
6 mere possession or storage of the same for use in locations  
7 outside the premises of the corporation's health facilities.

8       "Tobacco product" means any product made or derived from  
9 tobacco, that contains nicotine or other substances, and is  
10 intended for human consumption or is likely to be consumed  
11 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or  
12 ingested by any other means including but not limited to a  
13 cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or  
14 electronic smoking device. "Tobacco product" does not include  
15 drugs, devices, or combination products approved for sale by the  
16 U.S. Food and Drug Administration, as those terms are defined in  
17 the Federal Food, Drug, and Cosmetic Act."

18       SECTION 3. New statutory material is underscored.

19       SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Tobacco Products; Electronic Smoking Devices; Prohibition; HHSC  
Facilities

**Description:**

Prohibits the use of tobacco products and electronic smoking devices on premises of the facilities operated by the Hawaii Health Systems Corporation (HHSC). Requires HHSC to consult with collective bargaining units and provide at HHSC expense tobacco cessation programs to its public employees. (HB586 HD2)

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