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# A BILL FOR AN ACT

RELATING TO THE REGULATION OF TOBACCO PRODUCTS.

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

1           SECTION 1. The legislature finds that the unregulated use  
2 of electronic smoking devices is potentially hazardous to health  
3 and is disruptive to an orderly and productive work environment.  
4 The 2014 United States Surgeon General's Report, "The Health  
5 Consequences of Smoking—50 Years of Progress," states that  
6 studies and assessments by the United States Food and Drug  
7 Administration (FDA) and independent scientists have  
8 demonstrated enormous variability in design, operation,  
9 contents, and emissions of carcinogens, other toxicants, and  
10 nicotine from electronic smoking devices. Furthermore,  
11 according to the "Summary of Results: Laboratory Analysis of  
12 Electronic Cigarettes Conducted by FDA," testing also suggests  
13 that "quality control processes used to manufacture these  
14 products are inconsistent or non-existent."

15           Electronic smoking devices produce an aerosol of  
16 undetermined and potentially harmful substances, which may  
17 appear similar to the smoke emitted by traditional tobacco



1 products, but is not designed to combust. The legislature  
2 recognizes that using an electronic smoking device closely  
3 resembles and purposefully mimics the act of smoking by having a  
4 user inhale vaporized liquid nicotine created by heat through an  
5 electronic ignition system.

6 The use of electronic smoking devices in locations where  
7 smoking is prohibited also threatens to undermine compliance  
8 with smoking regulations, creates a disturbance that impedes  
9 employee performance, confuses the public, and reverses the  
10 progress that has been made in establishing a social norm that  
11 smoking is not permitted in enclosed or partially enclosed  
12 public places and places of employment.

13 Prohibiting the use of electronic smoking devices in  
14 enclosed or partially enclosed places where smoking is  
15 prohibited will reduce the likelihood that employees and the  
16 public will associate the use of electronic smoking devices in  
17 enclosed or partially enclosed areas with healthful behavior,  
18 reduce the likelihood of nonuser exposure to exhaled toxicants  
19 and carcinogens, reduce the likelihood of workplace  
20 disturbances, enhance employee productivity, and help ensure  
21 compliance with existing smoking regulations.



1           The purpose of this Act is to prohibit the use of  
2 electronic smoking devices in places where smoking is currently  
3 prohibited.

4           SECTION 2. Section 328J-1, Hawaii Revised Statutes, is  
5 amended by adding two new definitions to be appropriately  
6 inserted and to read as follows:

7           "Electronic smoking device" means any electronic product  
8 that can be used to aerosolize and deliver nicotine or other  
9 substances to the person inhaling from the device, including but  
10 not limited to an electronic cigarette, electronic cigar,  
11 electronic cigarillo, electronic pipe, hookah pipe, or hookah  
12 pen, and any cartridge or other component of the device or  
13 related product, whether or not sold separately.

14           "Tobacco product" means any product made or derived from  
15 tobacco, that contains nicotine or other substances, and is  
16 intended for human consumption or is likely to be consumed,  
17 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or  
18 ingested by any other means, including, but not limited to, a  
19 cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or  
20 an electronic smoking device. "Tobacco product" does not  
21 include drugs, devices, or combination products approved for



1 sale by the United States Food and Drug Administration, as those  
2 terms are defined in the Federal Food, Drug, and Cosmetic Act."

3 SECTION 3. Section 328J-1, Hawaii Revised Statutes, is  
4 amended by amending the definition of "smoke" or "smoking" to  
5 read as follows:

6 "Smoke" or "smoking" means [~~inhaling or exhaling the fumes~~  
7 ~~of tobacco or any other plant material, or burning or carrying~~  
8 ~~any lighted smoking equipment for tobacco or any other plant~~  
9 ~~material.] inhaling, exhaling, burning, or carrying any lighted  
10 or heated tobacco product or plant product intended for  
11 inhalation in any manner or in any form. "Smoking" includes the  
12 use of an electronic smoking device."~~

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on January 1, 2016.



**Report Title:**

Regulation of Tobacco Products

**Description:**

Amends Chapter 328J, Hawaii Revised Statutes, to prohibit the use of electronic smoking devices in places where smoking is prohibited. (HB940 HD1)

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

