
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Chapter 421I, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§421I- Adoption of rules; prohibition of smoking
5 permitted. (a) A corporation may adopt rules to prohibit
6 tenant shareholders, guests, and all other persons from smoking,
7 including but not limited to electronic smoking devices, in
8 dwelling units, common elements, or limited common elements of
9 the corporation.

10 (b) For purposes of this section, "electronic smoking
11 device" means any electronic product that can be used to
12 aerosolize and deliver nicotine or other substances to the
13 person inhaling from the device including but not limited to an
14 electronic cigarette, electronic cigar, electronic cigarillo,
15 electronic pipe, hookah pipe, or hookah pen, and any cartridge
16 or other component of the device or related product, whether or
17 not sold separately."



1 SECTION 2. Section 514B-105, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 " (b) [~~Unless otherwise permitted by the declaration,~~
4 ~~bylaws, or this chapter, an~~] An association may adopt rules and
5 regulations that affect the use of or behavior in units that may
6 be used for residential purposes only to:

- 7 (1) Prevent any use of a unit [~~which~~] that violates the
8 declaration or bylaws;
- 9 (2) Regulate any behavior in or occupancy of a unit
10 [~~which~~] that violates the declaration or bylaws or
11 unreasonably interferes with the use and enjoyment of
12 other units or the common elements by other unit
13 owners; [~~or~~]
- 14 (3) Prohibit smoking, including but not limited to
15 electronic smoking devices, by an owner, resident, or
16 guest in all units, common elements, or limited common
17 elements as defined in section 514B-3; provided that
18 for purposes of this paragraph, "electronic smoking
19 device" means any electronic product that can be used
20 to aerosolize and deliver nicotine or other substances
21 to the person inhaling from the device including but



1 not limited to an electronic cigarette, electronic
2 cigar, electronic cigarillo, electronic pipe, hookah
3 pipe, or hookah pen, and any cartridge or other
4 component of the device or related product, whether or
5 not sold separately; or

6 [~~(3)~~] (4) Restrict the leasing of residential units to the
7 extent those rules are reasonably designed to meet
8 underwriting requirements of institutional lenders who
9 regularly lend money secured by first mortgages on
10 units in condominiums or regularly purchase those
11 mortgages.

12 Otherwise, the association may not regulate any use of or
13 behavior in units by means of the rules and regulations."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Smoking; Condominiums; Cooperative Housing Corporations;
Prohibition by Rule; Electronic Smoking Device

Description:

Allows condominiums and cooperative housing corporations to adopt rules prohibiting smoking, including but not limited to electronic smoking devices, in units, common elements, or limited common elements. Effective 7/1/2050. (SD2)

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

