



GOV. MSG. NO. 119

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 23, 2015

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2015, the following bill was signed into law:

HB940 HD1

RELATING TO THE REGULATION OF TOBACCO
PRODUCTS
ACT 019 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

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Approved by the Governor

APR 23 2015

on _____

HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

ACT 019

H.B. NO. 940
H.D. 1

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."

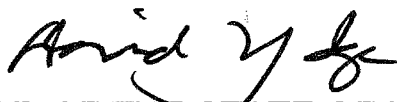
3 SECTION 3. Section 328J-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "smoke" or "smoking" to
5 read as follows:

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.

APPROVED this 23 day of APR, 2015



GOVERNOR OF THE STATE OF HAWAII

