
A BILL FOR AN ACT

RELATING TO ELECTRONIC SMOKING PRODUCTS.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Confiscation of electronic cigarettes. (a) A
5 teacher or educator at a public school shall confiscate an
6 electronic cigarette that is in the possession of a student who
7 is under the age of twenty-one.

8 (b) Each public school shall coordinate with the
9 department of health for the proper disposal of electronic
10 cigarettes confiscated pursuant to subsection (a).

11 (c) No teacher or educator, nor the public school that
12 employs the teacher or educator, who acts or fails to act in
13 accordance with this section shall be liable in any court of law
14 for acting or failing to act in accordance with this section."

15 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§321- Safe harbor for disposal electronic cigarettes.

2 (a) The department of health shall establish and administer a
3 safe harbor program by which persons under the age of twenty-one
4 may dispose of electronic cigarettes in their possession.

5 (b) Notwithstanding any law to the contrary, a person
6 under the age of twenty-one who disposes of an electronic
7 cigarette pursuant to a program established pursuant to this
8 section shall not be subject to any penalty relating to the
9 underage possession of electronic cigarettes."

10 SECTION 3. Section 245-17, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Any person who violates this section shall be fined
13 \$500 for the first offense. Any subsequent offenses shall
14 subject the person to a fine of no less than \$500 but no more
15 than \$2,000. Any person under twenty-one years of age who
16 violates this section shall be fined [~~\$10 for the first offense,~~
17 ~~provided that any subsequent offense shall subject the person to~~
18 ~~a fine of \$50,~~] \$100, no part of which shall be suspended, or
19 the person shall be required to perform no less than forty-eight
20 hours but no more than seventy-two hours of community service



1 during hours when the person is not employed or attending
2 school."

3 SECTION 4. Section 712-1258, Hawaii Revised Statutes, is
4 amended by amending subsection (6) to read as follows:

5 "(6) Any person who violates subsection (1) or (4), or
6 both, shall be fined \$500 for the first offense. Any subsequent
7 offenses shall subject the person to a fine not less than \$500
8 nor more than \$2,000. Any person under twenty-one years of age
9 who violates subsection (5) shall be fined [~~\$10 for the first~~
10 ~~offense. Any subsequent offense shall subject the violator to a~~
11 ~~fine of \$50,~~] \$100, no part of which shall be suspended, or the
12 person shall be required to perform not less than forty-eight
13 hours nor more than seventy-two hours of community service
14 during hours when the person is not employed and is not
15 attending school. Any tobacco product or electronic smoking
16 device, as those terms are defined in subsection (7), in the
17 person's possession at the time of violation of subsection (5)
18 shall be seized, summarily forfeited to the State, and destroyed
19 by law enforcement following the conclusion of an administrative
20 or judicial proceeding finding that a violation of subsection



1 (5) has been committed. The procedures set forth in chapter
2 712A shall not apply to this subsection."

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2019.



Report Title:

E-liquid; Tobacco Products; Penalties; Health

Description:

Requires public school teachers and educators to confiscate electronic cigarettes from students under 21 years of age. Requires the Department of Health to establish a Safe Harbor Program by which persons under the age of 21 may dispose of electronic cigarettes in their possession. Increases administrative fines for persons under the age of 21 for certain electronic smoking device infractions. (CD2)

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

