

Impact of Acts 19 and 122, Session Laws of Hawaii 2015,  
on Chapter 19, Hawaii Administrative Rules (HAR) Relating to Smoking and Student  
Misconduct

On April 23, 2015, the Governor signed into law Act 19, Session Laws of Hawaii, 2015. Act 19 adds the definitions for an “electronic smoking device” and a “tobacco product,” and prohibits the use of electronic smoking devices in all areas where smoking is prohibited. This law is effective January 1, 2016.

On June 19, 2015, the Governor signed into law Act 122, Session Laws of Hawaii, 2015. Act 122 increases the minimum age to purchase tobacco products from 18 to 21. It makes it unlawful to sell or furnish tobacco products to any person under 21 years of age, and prohibits possession and consumption of a tobacco product by any person under 21 years of age. Electronic smoking devices are defined as a tobacco product. Further, the law expands prohibition of tobacco products to include possession and consumption. This law is effective January 1, 2016.

Currently, Chapter 19, HAR (Chapter 19), prohibits the “possession, use, sale or distribution of tobacco products on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.” Violation of this prohibition is listed as a Class C offense. Chapter 19 does not define “tobacco product” and does not mention electronic smoking devices. In addition, Chapter 31, HAR, Tobacco Free School System, while including a definition of “tobacco product,” also does not mention electronic smoking devices.

Based on Act 122, effective January 1, 2016, all verified electronic cigarette (e-cigarette) offenses will be categorized as Class C offenses under HAR Title 8 Chapter 19.