

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

December 17, 2013

TO: All Department of Health Employees

FROM: Gary L. Gill   
Deputy Director of Environmental Health

SUBJECT: Electronic Smoking Device Use Policy for the Department of Health

Effective January 1, 2014, the use of electronic smoking devices on all Department of Health (DOH) properties and those premises occupied by DOH will be restricted. Attached is the Intra-Departmental Directive No. 13-03, regarding Electronic Smoking Device Use.

Division Chiefs, Staff Officers, District Health Officers and Administrators of Attached Agencies are directed to post and circulate this information for employees who may not have a DOH email account and/or access.

Please contact Lila Johnson of the Tobacco Settlement Project Healthy Hawaii Initiative at 586-4662, for questions regarding the Directive on electronic smoking device use.



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In reply, please refer to:  
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December 17, 2013

INTRA-DEPARTMENTAL DIRECTIVE NO. 13-03

EFFECTIVE DATE: January 1, 2014

TO: Division Chiefs, Staff Officers, District Health Officers, and Administrators  
of Attached Agencies

FROM: Director of Health

SUBJECT: ELECTRONIC SMOKING DEVICE USE

13-03.1 PURPOSE

The Hawaii State Department of Health (DOH) is committed to providing a safe, orderly, and productive environment for its employees and members of the public visiting or using the facilities. The DOH has long served as a role model in promoting health and wellness in the State.

In accordance with the Hawaii Smoke-Free Workplace and Public Places Law, 2006, tobacco smoking is prohibited in all enclosed or partially enclosed areas, including buildings and vehicles owned, leased, or operated by the State or any county.<sup>1</sup> Moreover, chapter 328J, HRS, requires that smoking be prohibited within a presumptively reasonable minimum distance of twenty (20) feet from entrances, exits, windows that open, and ventilation intakes that serve enclosed or partially enclosed areas where smoking is prohibited.<sup>2</sup>

The adoption of this new policy, effective January 1, 2014, will restrict the use of unregulated electronic smoking devices on all DOH properties and those premises occupied by DOH.

<sup>1</sup> Hawaii Revised Statutes, Chapter 328J-2

<sup>2</sup> Hawaii Revised Statutes, Chapter 328J-6

13-03.2 POLICY

Similarly to Hawaii's Smoke-Free Workplace and Public Places Law, the use of electronic smoking devices is prohibited in any place where smoking of tobacco products is prohibited by law.

This directive applies to all (DOH) employees, visitors, volunteers, students, contract workers, delivery personnel, and DAGS workers, etc., who enter the work setting or environment which includes DOH and those premises occupied by DOH.

13-03.3 RATIONALE

The unrestricted use of electronic smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," is potentially hazardous to the health and is disruptive to an orderly, productive work environment. The use of unregulated electronic smoking devices closely resembles and purposefully mimics the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system.

After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent."<sup>3</sup>

Electronic smoking devices produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products<sup>4</sup>. The use of electronic smoking devices in existing smoke-free locations threatens to undermine compliance with smoking regulations, creates a disturbance which impedes employee performance, confuses the public, and reverses the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.<sup>5</sup>

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<sup>3</sup> "Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," *Food and Drug Administration (FDA)*, July 22, 2009;

<sup>4</sup> Legacy Foundation. <http://www.legacyforhealth.org/newsroom/press-releases/the-electronic-cigarette-debate-continues-as-use-dramatically-increases>, February 28, 2013, accessed October 2013.

<sup>5</sup> "Model California Ordinance: Regulating Electronic Smoking Devices," *ChangeLab Solutions, Law and Policy Innovation for the Common Good*, June 2013.

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By prohibiting the use of electronic smoking devices in places where smoking is prohibited, the DOH will reduce the likelihood that employees and the public will associate the use of electronic smoking devices at the DOH with healthful behavior, reduce the likelihood of workplace disturbances, and enhance employee productivity.

13-03.4 DEFINITIONS

Electronic smoking device: Any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.

13-03.5 PROCEDURES

1. DOH Administrators and managers shall communicate this policy and its enforcement provisions through subordinate supervisors.
2. Violators of this policy may be subject to disciplinary action up to and including discharge.

# NO SMOKING



**Including E-cigarettes  
And all Other  
Electronic Smoking Devices**