

**HRS CHAPTER 28**  
**ATTORNEY GENERAL**

Part XIII. Electronic Smoking Device Retailer Registration Unit

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**PART XIII. ELECTRONIC SMOKING DEVICE RETAILER  
REGISTRATION UNIT**

**§28-161 Policy.** The registration of electronic smoking device retailers is reasonably necessary to protect the health, safety, or welfare of consumers of electronic smoking devices and for the enforcement of the laws that regulate the sale of electronic smoking devices. [L 2018, c 206, pt of §4]

**§28-162 Definitions.** As used in this part:

"Business location" or "place of business" means the entire premises occupied by a retailer of electronic smoking devices and shall include but is not limited to any store, stand, outlet, vehicle, cart, location, vending machine, or structure from which electronic smoking devices are sold or distributed to a consumer.

"Electronic smoking device" means any electronic product that can be used to aerosolize and deliver 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.

"Entity" means one or more individuals, a company, corporation, a partnership, an association, or any other type of legal entity.

"Retail sale" or "electronic smoking device retailing" means the practice of selling electronic smoking devices to consumers. [L 2018, c 206, pt of §4]

**§28-163 Electronic smoking device retailer registration unit.** There is established in the department of the attorney general the electronic smoking device retailer registration unit. [L 2018, c 206, pt of §4]

**§28-164 Registration.** (a) Every entity with a place of business in the State that engages in the retail sale of electronic smoking devices shall register with the unit by providing all of the information required by this section. Registration shall not be

approved unless all of the applicable provisions of this section have been met to the satisfaction of the unit.

(b) Registration information required by this section shall include:

(1) The name or names under which the entity conducts or will conduct business;

(2) The address of the principal place of business of the entity and the address of each place of business the entity maintains in the State;

(3) The entity's general excise tax number;

(4) A statement of ownership that shall include the name of each person who, individually or acting in concert with any other person or persons, owns or controls, directly or indirectly, twenty-five per cent or more of the equity interests of the entity; and

(5) An attestation that the entity is not in violation of the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act and its regulations, or has not received a warning letter from the United States Food and Drug Administration based on a compliance check inspection within thirty days of applying for registration. [L 2018, c 206, pt of §4]

**§28-165 Certificate.** (a) Upon approval of an entity's registration, the unit shall issue a certificate to the entity for each place of business where the entity will engage in electronic smoking device retailing.

(b) The unit may charge a registration fee not to exceed \$500 for each entity that registers.

(c) Registration under this section shall expire on June 30 of each even-numbered year. Before June 30 of each even-numbered year, the unit shall mail a renewal application for registration to the address on record of the registrant. In connection with renewal of registration, a holder of a certificate shall provide all of the information required by section 28-164. Failure to renew a registration shall result in a civil penalty under section 28-168.

(d) The entity shall display the registration certificate in a conspicuous location in each place of business.

(e) The entity shall notify the unit within five days of receiving notice from the United States Food and Drug Administration that it is in violation of the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act and its regulations, and provide the unit with all material details related to the violation.

(f) The unit shall publish on the website of the department of the attorney general a list of all entities that hold a certificate. [L 2018, c 206, pt of §4]

**§28-166 Inspection.** (a) The unit may examine all records of any entity engaged in the business of electronic smoking device retailing to verify the accuracy of the information provided for registration or to verify that an entity is selling electronic smoking devices without being registered. Every person in possession of any books, papers, and records, and the person's agents and employees, are directed and

required to give the unit opportunities for examination of applicable records.

(b) The unit may inspect the operations, premises, and storage areas of any entity engaged in the retail sale of electronic smoking devices as necessary. [L 2018, c 206, pt of §4]

**§28-167 Personnel.** The unit shall employ any attorneys, auditors, investigators, and other personnel as necessary to promote the effective and efficient conduct of the unit's activities. [L 2018, c 206, pt of §4]

**§28-168 Civil penalty for failure to register.** An entity that fails to register with the unit within thirty days of engaging in the retail sale of electronic smoking devices shall be subject to a civil penalty of \$100 for each day that the violation of this section continues, plus the costs of any investigations conducted by the unit. [L 2018, c 206, pt of §4]