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NOTICE: New Hawai'i laws on Electronic Smoking Devices and E-liquid products

Dear Tobacco Retailer:

This letter serves as formal notice on recent changes in Hawai'i state law regarding electronic smoking devices (ESDs) and e-liquids:

- Act 190, Session Laws of Hawaii 2026 (from House Bill 1573, Relating to Health)
- Act 189, Session Laws of Hawaii 2026 (from Senate Bill 2175, Relating to Disposable Electronic Smoking Devices)
- Act 229, Session Laws of Hawaii 2026 (from Senate Bill 3076, Relating to Tobacco Enforcement)

Act 190

Signed by Governor Josh Green on July 7, 2026, Act 190 establishes state-level retail conditions for the sale of ESDs and e-liquids in Hawai'i. Beginning October 1, 2026, manufacturers of ESDs and e-liquids sold in Hawai'i will need to certify with the Department of the Attorney General's Tobacco Enforcement Unit (TEU) that they 1) received a marketing granted order from the United States Food and Drug Administration (FDA) and 2) are in full compliance with federal and state laws. Manufacturers must submit these certifications, along with the list of each item sold in the State with the specificity required by the statute, by October 1, 2026, and annually thereafter. As of May 5, 2026, federal records show the FDA has only authorized 45 e-cigarettes. Please visit the FDA's Searchable Tobacco Products Database at www.accessdata.fda.gov/scripts/searchtobacco/ for the latest federal updates on authorized products.

Starting January 1, 2027, certified manufacturers and their ESD and e-liquid products will be published publicly online as the Hawai'i Electronic Smoking Device and E-Liquid Directory (Directory), which will be available on the TEU website. Starting January 1, 2027, **only ESDs and e-liquids listed in the Directory may be legally sold in Hawai'i. ALL unlisted products are subject to seizure, forfeiture, and destruction. Moreover, sellers may be subject to graduated fines per item.**

Retailers must use the Directory to verify which specific brands, products, and flavors are legally permissible for sale. It is important to note that even though a manufacturer or brand may be listed, not all their products may be legally sold in Hawai‘i. The Directory will be available on this website beginning January 1, 2027: <https://ag.hawaii.gov/cjd/tobacco-enforcement-unit/>.

Retailers who buy, sell, or possess an ESD or e-liquid not listed in the Directory, face financial penalties per individual product and the penalty increases with repeat violations within a 12-month window:

- 1st Violation: \$500 for each individual product.
- 2nd Violation: Between \$750 and \$1,000 for each individual product.
- 3rd Violation: Between \$1,000 and \$1,500 for each individual product.
- 4th (and any further) Violations: Between \$1,500 and \$2,000 for each individual product.

In addition, the State may recover costs, including costs of investigation, seizure, forfeiture, destruction, disposal, expert witness fees, and reasonable attorney’s fees. Any violation of this section shall constitute an unfair method of competition and an unfair or deceptive act or practice in the conduct of any trade or commerce under section 480-2, HRS.

Act 189

Signed by Governor Josh Green on July 7, 2026, Act 189 addresses significant environmental and health problems by banning the sale of disposable ESDs in Hawai‘i beginning on January 1, 2027. This law defines “disposable electronic smoking device” as an ESD, as defined in section 245-1, HRS, “that is non-refillable, has a non-rechargeable battery, and is intended to be disposed of after the contents inside the electronic smoking device have been used.” A disposable ESD may not be authorized on the Directory mentioned above. This illustrates the Directory’s efficacy in identifying items appropriate for sale in Hawai‘i. Please note that if a product is not in the Directory and also meets Act 189’s legal definition of a disposable ESD, its sale may trigger penalties under both Act 190 and 189. Violators shall be subject to a fine of up to \$100 per day for each violation of Act 189.

Act 229

Signed by Governor Josh Green on July 10, 2026, Act 229 updates Hawai‘i’s tobacco enforcement rules by empowering the Department of the Attorney General and the Department of Taxation to inspect stores and seize tobacco products, including ESDs and e-liquids. The law also makes it clear that untaxed tobacco products are illegal contraband and can be confiscated, just like untaxed cigarettes. This update confirms that newly taxed tobacco products, including ESDs and e-liquids, now face the exact same oversight as cigarettes. Act 229 takes effect on September 1, 2026.

Because these laws are newly enacted, we will provide updated information on our website when available at www.ag.hawaii.gov/cjd/tobacco-enforcement-unit/. Act 190, 189, and 229 will also be posted on our website. Enclosed is a flyer of “New Hawai‘i Laws Regarding ESDs and E-Liquids.”

The Department of the Attorney General asks that you remove from your shelves any products not authorized for sale and return them to their distributor or manufacturer, keeping in mind that these products may be considered hazardous materials.

If you have any questions regarding this matter or if you have any information regarding persons or businesses that may be selling unauthorized and illegal ESDs and e-liquid products, please do not hesitate to contact us at atg.tobacco@hawaii.gov or by calling the Department’s Tobacco Enforcement Unit at 808-586-1203. You may also visit www.ag.hawaii.gov/cjd/tobacco-enforcement-unit/ for updates.

We appreciate your help in putting an end to the distribution and sale of these unauthorized and illegal products on our islands.

Sincerely,

Tobacco Enforcement Unit
State of Hawai‘i

Enclosure