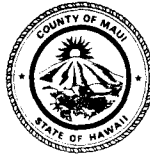


DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.mauicounty.gov/county/clerk

October 6, 2015

OFFICE OF THE  
COUNTY CLERK

2015 OCT 14 PM 2:29

RECEIVED

Honorable Michael P. Victorino, Chair  
Policy and Intergovernmental Affairs Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Victorino:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of October 6, 2015:

COUNTY COMMUNICATIONS:

- No. 15-247 - Mike White, Council Chair
- No. 15-254 - Mike White, Council Chair
- No. 15-255 - Michael P. Victorino, Presiding Officer Pro Tempore

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo".

DANNY A. MATEO  
County Clerk

/jym

Enclosures

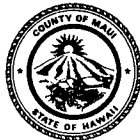
cc: Director of Council Services

Council Chair  
Mike White

Vice-Chair  
Don S. Guzman

Presiding Officer Pro Tempore  
Michael P. Victorino

Councilmembers  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Don Couch  
Stacy Crivello  
Riki Hokama



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

September 28, 2015

RECEIVED  
2015 SEP 29 AM 8:42  
OFFICE OF THE  
COUNTY CLERK

The Honorable Mike White  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: AMENDING CHAPTERS 8.20 AND 13.04, MAUI  
COUNTY CODE, RELATING TO SMOKING  
PROHIBITIONS (PAF 15-183)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 8.20 AND 13.04, MAUI COUNTY CODE, RELATING TO SMOKING PROHIBITIONS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Victorino".

MICHAEL P. VICTORINO  
Presiding Officer Pro Tempore

paf:cmn:15-183c

Attachment

COUNTY COMMUNICATION NO. 15-255

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 8.20 AND 13.04, MAUI COUNTY CODE, RELATING TO SMOKING PROHIBITIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this ordinance is to prohibit the smoking of a broader array of tobacco products, including the use of electronic smoking devices, in places where smoking is already prohibited.

SECTION 2. Section 8.20.020, Maui County Code, is amended by amending the definition of “‘smoke’ or ‘smoking’” to read as follows:

“‘Smoke’ or ‘smoking’ means [inhaling or exhaling upon,] inhaling, exhaling, burning, or carrying any [lit cigarette, cigar or pipe.] lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device.”

SECTION 3. Section 8.20.030, Maui County Code, is amended by amending subsection Q to read as follows:

“Q. Any bus stop established pursuant to chapter 11.07 of this code. The area of the bus stop for which the smoking prohibition applies shall extend out from the bus stop sign and the footprint of the shelter in every direction by twenty feet. The footprint of the shelter is defined by vertical planes extending down from the outermost edges of the shelter overhang or roof, if any. [For purposes of this subsection, “smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form; “smoking” includes the use of an electronic smoking device.]”

SECTION 4. Section 13.04.020, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

“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, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product, whether or not sold separately.

“Tobacco product” means any product made or derived from tobacco, that contains nicotine or other substances, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. “Tobacco product” does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration as those terms are defined in the Federal Food, Drug, and Cosmetic Act.”

SECTION 5. Section 13.04.020, Maui County Code, is amended by amending the definition of “smoke’ or ‘smoking” to read as follows:

“Smoke” or “smoking” means [inhaling or exhaling upon,] inhaling, exhaling, burning, or carrying any [lit cigarette, cigar or pipe.] lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. “Smoking” includes the use of an electronic smoking device.”

SECTION 6. Section 13.04.020, Maui County Code, is amended by repealing the definition of “tobacco products”.

[“Tobacco products” means tobacco in any form, other than cigarettes, that is prepared or intended for consumption or for personal use by humans, including cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.”]

SECTION 7. Section 13.04.040, Maui County Code, is amended by amending subsection A to read as follows:

“A. Within the limit of any park or within any recreational facility, it is unlawful for any person to:

1. Abandon any vehicle or other personal property or leave any vehicle or other personal property unattended for a period in excess of twenty-four hours;

2. Throw or dispose of any refuse or any waste material except in a receptacle designated for such;

3. Permit any animal, except as hereinafter provided in subsection D, to enter and to remain within the confines of any park area;

4. Destroy, injure, deface, or remove in any manner any public structure, sign, equipment, monument, or device;

5. Discharge firearms, air rifles, or spring guns, except at a range established and regulated for that specific purpose;

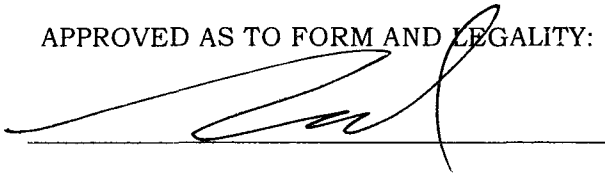
6. Defecate or urinate on the grounds or improvements of any park or recreational facility, except in properly functioning toilets or urinals in public restrooms.

7. Engage in smoking or the use of a tobacco [products.] product.”

SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 9. This ordinance shall take effect on January 1, 2016.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to be 'C. M. ...', is written over a horizontal line. The signature is fluid and cursive.

Department of the Corporation Counsel  
County of Maui

paf:cmn:15-183a