

Section V.9. Non-Smoking Facility

No owner, occupant, guest, visitor or other person shall smoke anywhere within the physical boundaries of the Project, including all common elements, limited common elements and all apartment units (including lanais) within the Project.

For purposes of these By-Laws and this Section:

- (a) “Smoke” (when used as a verb) or “smoking” includes inhaling, exhaling, heating, burning, or carrying of any lighted cigarette, cigar, pipe, organic substance, other tobacco product, marijuana (medical or otherwise) or plant-based product or other illegal or banned substance, intended for inhalation in any manner or form or any other activity that is included in the definition of “smoking” under Hawaii Revised Statutes Section 328J-1, as amended, including the use of any electronic smoking device.
- (b) “Tobacco product” means any product made or derived from tobacco that contains nicotine or other substances and is intended for human consumption, whether burned, smoked, heated, chewed, absorbed, ingested or inhaled.
- (c) “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.

Smoking within the Project shall be deemed a nuisance which is prohibited. Any owner who leases and/or sells his or her unit shall specifically disclose in writing to prospective tenants, purchasers and real estate agents that smoking is prohibited everywhere within the Project, including within the individual apartments.