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# A BILL FOR AN ACT

RELATING TO TOBACCO.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 709-908, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§709-908~~ **Tobacco; minors.** (1) It shall be unlawful to  
4 sell or furnish tobacco in any shape or form, including chewing  
5 tobacco and snuff, to a minor [~~under eighteen years of age~~].

6           (2) Signs using the statement, "The sale of tobacco  
7 products to persons under eighteen is prohibited", shall be  
8 posted on or near any vending machine in letters at least one-  
9 half inch high and at or near the point of sale of any other  
10 location where tobacco products are sold in letters at least  
11 one-half inch high.

12           (3) It shall be unlawful for a minor [~~under eighteen years~~  
13 ~~of age~~] to purchase, possess, or use any tobacco product, as  
14 described under subsection (1). This [~~provision does~~] section  
15 shall not apply [~~if a person under the age of eighteen,~~] to:

16           (a) Any minor, with parental authorization, who is  
17               participating in a controlled purchase as part of a  
18               law enforcement activity or a study authorized by the



1 department of health under the supervision of law  
2 enforcement to determine the level of incidence of  
3 tobacco sales to minors~~[ ]~~; or

4 (b) Possession or custody of tobacco by a minor in the  
5 course of delivery, pursuant to the direction of the  
6 minor's employer lawfully engaged in business  
7 necessitating the delivery.

8 (4) Any person who violates subsection (1) or (2), or  
9 both, shall be fined \$500 for the first offense. Any subsequent  
10 offenses shall subject the person to a fine not less than \$500  
11 nor more than \$2,000. Any minor ~~[under eighteen years of age]~~  
12 who violates subsection (3) shall be fined \$10 for the first  
13 offense. Any subsequent offense shall subject the violator to a  
14 fine of \$50, no part of which shall be suspended, ~~[or]~~ and the  
15 ~~[person]~~ minor shall be required to perform not less than forty-  
16 eight hours nor more than seventy-two hours of community service  
17 during hours when the ~~[person]~~ minor is not employed and is not  
18 attending school.

19 (5) For purposes of this section, "minor" means any person  
20 under eighteen years of age."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.  
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JAN 20 2006



**Report Title:**

Tobacco; Minors

**Description:**

Makes it a misdemeanor for minors (persons under age 18) to possess or use tobacco products. Exempts minors when lawfully delivering tobacco products or participating in a law enforcement activity.

