
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 the person~~
15 ~~shall be required to perform not less than forty-eight hours nor~~
16 ~~more than seventy-two hours of community service during hours~~
17 ~~when the person is not employed and is not attending school]~~.

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

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



HB 2148 HD 1

Report Title:

Tobacco; Minors

Description:

Makes it a unlawful 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. (HB2148 HD1)

