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# A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

1 SECTION 1. Chapter 328K, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§328K- Use of tobacco products; minors; citation. (a)

5 It shall be unlawful for a minor to use any tobacco product.

6 (b) Any minor who violates subsection (a) shall be  
7 sentenced as follows without possibility of probation or  
8 suspension of sentence:

9 (1) For the first offense:

10 (A) Attendance for no less than fourteen hours in a  
11 tobacco use education program established  
12 pursuant to section 328L-5(c), the cost of which  
13 shall be borne by the minor's parent or guardian;

14 (B) A surcharge of \$25 to be deposited into the  
15 trauma care fund; and

16 (C) One or both of the following:

17 (i) Eight hours of community service work during  
18 periods when the minor is not employed and



1                   is not attending school. Community service  
2                   shall be performed for an organization,  
3                   agency, or program dedicated to reduction of  
4                   underage use of tobacco products; and

5           (ii) A fine of not less than \$50 but not more  
6                   than \$100;

7           (2) For a second offense:

8                   (A) Denial of application for a provisional driver's  
9                   license or prompt suspension of license and  
10                   privilege to operate a motor vehicle for a period  
11                   of one year;

12                   (B) Not less than sixteen hours of community service  
13                   work when the minor is not employed and is not  
14                   attending school;

15                   (C) A fine of not less than \$50 but not more than  
16                   \$100; and

17                   (D) A surcharge of \$25 to be deposited into the  
18                   trauma care fund;

19           (3) For the third and each subsequent offense:

20                   (A) Mandatory revocation of a driver's license and  
21                   privilege to operate a vehicle for a period of



1           not less than one year but not more than two  
2           years;

3           (B) Referral to a tobacco cessation counselor;

4           (C) Thirty-two hours of community service work during  
5           periods when the minor is not employed and is not  
6           attending school; and

7           (D) A surcharge of \$25 to be deposited into the  
8           trauma care fund.

9           (c) Any enforcement officer who observes a violation of  
10          this section shall issue to the alleged violator a summons or  
11          citation printed in the form described in this section, warning  
12          the alleged violator to appear and answer to the charge at a  
13          certain place and at a time within seven days after such notice.

14          (d) The summons or citation shall be printed in a form  
15          comparable to the form of other summonses and citations used for  
16          arresting offenders and shall be designed to provide for  
17          inclusion of all necessary information. The form and content of  
18          the summons or citation shall be adopted or prescribed by the  
19          district or family courts.

20          (e) The original of a summons or citation shall be given  
21          to the alleged violator and the other copy or copies distributed  
22          in the manner prescribed by the district courts; provided that



1 the district and family courts may prescribe alternative methods  
2 of distribution of the original and any other copy.

3 (f) Summonses and citations shall be consecutively  
4 numbered and the carbon copy or copies of each shall bear the  
5 same number.

6 (g) When an enforcement officer issues a citation for a  
7 violation of this section, the district court and the family  
8 court shall have concurrent jurisdiction over the offense and  
9 the offender.

10 (h) For the purposes of this section:

11 "Enforcement officer" means an investigator or police  
12 officer.

13 "Minor" means any person under eighteen years of age.

14 "Tobacco product" means tobacco in any shape or form,  
15 including chewing tobacco and snuff."

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

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2096.

HB 3017  
HD 2

**Report Title:**

Tobacco Products; Minors

**Description:**

Prohibits use of tobacco products by minors. Requires minor to complete tobacco use education program for a first and second offense, be referred to a tobacco cessation counselor for a third offense, perform community service, and suffer drivers license suspension or revocation for subsequent offenses. Requires issuance of a citation and provides for disposition in the same manner as a traffic infraction. Gives district and family court concurrent jurisdiction over the offense and the offender. (HB3017 HD2)

HB3017 HD2 HMS 2006-2439

