

JAN 25 2006

S.B. NO. **3056**

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:

- 7 (1) Participate in a tobacco use cessation program
8 established pursuant to section 328L-5(c) the cost
9 which shall be borne by the minor's parent or
10 guardian; and
- 11 (2) Perform four hours of community restitution for the
12 first offense, and eight hours for any subsequent
13 offense, when the minor is not employed and is not
14 attending school. Community restitution shall be
15 performed for an organization, agency, or program
16 dedicated to reduction of underage use of tobacco
17 products including, but not limited to, the Coalition



1 for a Tobacco Free Hawaii and the Tobacco Prevention
2 and Education Program of the department of health.

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

8 (d) The summons or citation shall be printed in a form
9 comparable to the form of other summonses and citations used for
10 arresting offenders and shall be designed to provide for
11 inclusion of all necessary information. The form and content of
12 the summons or citation shall be adopted or prescribed by the
13 district courts.

14 (e) The original of a summons or citation shall be given
15 to the alleged violator and the other copy or copies distributed
16 in the manner prescribed by the district courts; provided that
17 the district courts may prescribe alternative methods of
18 distribution of the original and any other copy.

19 (f) Summonses and citations shall be consecutively
20 numbered and the carbon copy or copies of each shall bear the
21 same number.



1 (g) Any minor who fails to appear at the place and within
2 the time specified in the summons or citation shall be detained.

3 (h) When an enforcement officer issues a citation for a
4 violation of this section, the citation shall be treated as a
5 traffic infraction for purposes of disposition pursuant to
6 chapter 291D. The district court shall have jurisdiction over
7 the offense and the offender, notwithstanding section 571-11.

8 (i) For purposes of this section unless the context
9 clearly requires otherwise:

10 "Enforcement officer" means an investigator or police
11 officer;

12 "Minor" means any person under eighteen years of age; and

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

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

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2007.

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Report Title:

Tobacco Products; Minors

SB. NO. 3056

Description:

Prohibits use of tobacco products by minors. Requires minor to complete tobacco use cessation program for a first offense and to repeat the program and perform community restitution for any subsequent offenses. Requires issuance of a citation and provides for disposition in the same manner as a traffic infraction. Gives district court jurisdiction over the offense and the offender.

