

JAN 25 2006

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
9 one-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 any tobacco product, as described under
14 subsection (1). This provision does not apply if a person under
15 the age of eighteen, with parental authorization, is
16 participating in a controlled purchase as part of a law
17 enforcement activity or a study authorized by the department of



1 health under the supervision of law enforcement to determine the
2 level of incidence of tobacco sales to minors.

3 (4) A common carrier by motor vehicle shall verify the age
4 of the person who accepts the delivery of a tobacco product. If
5 the person accepting the delivery is a minor, the delivery shall
6 not be made. As used in this subsection, "common carrier by
7 motor vehicle" means any person or business which holds itself
8 out to the general public to engage in the transportation by
9 motor vehicle of passengers or property for compensation.

10 [~~4~~] (5) Any person who violates subsection (1) or (2),
11 or both, or subsection (4) shall be fined \$500 for the first
12 offense. Any subsequent offenses shall subject the person to a
13 fine not less than \$500 nor more than \$2,000. Any minor under
14 eighteen years of age who violates subsection (3) shall be fined
15 \$10 for the first offense. Any subsequent offense shall subject
16 the violator to a fine of \$50, no part of which shall be
17 suspended, or the person shall be required to perform not less
18 than forty-eight hours nor more than seventy-two hours of
19 community service during hours when the person is not employed
20 and is not attending school."

21 SECTION 2. Statutory material to be repealed is bracketed



1 and stricken. New statutory material is underscored.

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

3

INTRODUCED BY: 



SB. NO. 3143

Report Title:

Tobacco; Minors

Description:

Requires common carriers by motor vehicle to verify the age of the person who takes delivery of the tobacco product.

