

STAND. COM. REP. NO. 345 -06

Honolulu, Hawaii  
FEB 15, 2006

RE: H.B. No. 3017  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 3017  
entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,"

begs leave to report as follows:

The purpose of this bill is to strongly discourage minors  
from using tobacco products by:

- (1) Requiring minors to complete a tobacco use cessation  
program for a first offense and repeat the program and  
perform community service for any subsequent offenses;
- (2) Requiring the issuance of a citation and providing for  
the use and processing of these citations in the same  
manner as a traffic infraction; and
- (3) Giving the district court jurisdiction over the offense  
and the offender.

The Honolulu Police Department, Hawaii Medical Association,  
Hawaii Food Industry Association, and numerous concerned students  
from Moanalua High School supported this bill. The Coalition for  
a Tobacco Free Hawaii supported the intent of this measure. The  
Department of Health did not support this bill. The Judiciary  
commented on this measure.

HB3017 HD1 HSCR HLT HMS 2006-1857



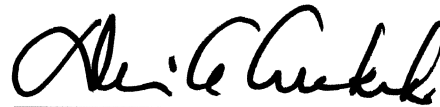
Your Committee has amended this bill by:

- (1) Removing the provision that a first offense will require participation in a smoking cessation program and replacing it with a 14-hour tobacco use education program;
- (2) Providing that for each of the first, second, third, and every subsequent violation of this section, a surcharge of \$25 must be paid to be deposited in to the Trauma Care Fund;
- (3) Establishing the number of hours of community service to be performed for each citation issued for using tobacco, increasing from 8 hours for the first offense, to 16 hours for the second offense and 32 hours for the third and every following offense;
- (4) Providing for the possibility of a fine of not less than \$50 but not more than \$100 for the first offense and mandating it for the second offense;
- (5) Denying the application for a provisional driver's license or suspending the license for a period of one year for a second offense, and mandating revocation of the license and suspension of the privilege to operate a motor vehicle for a minimum of one year and a maximum of two years for a third offense;
- (6) Mandating that a minor cited for a third offense, be referred to a tobacco cessation counselor;
- (7) Providing that Family or District Courts prescribe the form, content, and distribution of the citations issued to minors using tobacco products;
- (8) Providing the Family Court concurrent jurisdiction with the District Court; and
- (9) Making technical, nonsubstantive changes for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3017, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3017, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



---

DENNIS A. ARAKAKI, Chair



