

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 3017
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3017, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to make it unlawful for a minor to use tobacco products. This bill also:

- (1) Provides for:
 - (A) A tobacco use education program for the first offense and referral to a tobacco cessation counselor for a third and subsequent offenses;
 - (B) Community service of 14 to 32 hours; and
 - (C) A fine of \$50 to \$100 for a first or second offense;
- (2) Provides for denial of an application for a provisional driver's license or suspension of a driver's license for a year for a second offense and mandatory revocation of a driver's license for one to two years for a third and subsequent offenses;
- (3) Requires payment of a \$25 surcharge to the Trauma Care Fund for each offense;



- (4) Requires the issuance of a citation for violations and provides for the use and processing of these citations in the same manner as a traffic infraction; and
- (5) Gives the District Court and Family Court concurrent jurisdiction over the offense and the offender.

The Honolulu Police Department, Hawaii Food Industry Association, and numerous concerned students from Moanalua High School testified in support of this bill. The Coalition for a Tobacco Free Hawaii supported the intent of this measure. The Department of Health, Office of the Public Defender, and The Drug Policy Forum opposed this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2096, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3017, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 3017, H.D. 2.

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



SYLVIA LUKE, Chair



