H.B. NO. 1094

A BILL FOR AN ACT

RELATING TO CIGARETTE SALES.

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

1	SECT	ION 1. Section 328J-16, Hawaii Revised Statutes, is
2	amended to read as follows:	
3	"[$+$]\$328J-16[$+$] Cigarette sales from vending machines <u></u>	
4	self-serv	ice displays, and by lunch wagons prohibited. (a) The
5	sale or d	istribution [at no charge] of cigarettes by the
6	following	methods is prohibited:
7	(1)	From cigarette vending machines, unless the vending
8		machine is located in a bar, cabaret, or any
9		establishment for which the minimum age for admission
10		is eighteen; [or]
11	(2)	From a lunch wagon engaging in any sales activity
12		within one thousand feet of any public or private
13		elementary or secondary school grounds[-]; or
14	(3)	From a self-service display, except a cigarette
15		vending machine as provided in this subsection.
16	(b)	Violations of subsection (a), including placement of a
17	cigarette	vending machine in a location other than a bar,
18	cabaret,	or any establishment for which the minimum age for
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H.B. NO. 1094

2

1	admission is eighteen, are subject to a fine of up to $[\$1,000]$		
2	per day for each violation.] \$ for the first offense. Any		
3	subsequent offenses at the same location within shall		
4	subject the person to a fine not less than \$ or more than		
5	<u>\$.</u>		
6	(c) As used in this section:		
7	"Cigarette vending machine" means a self-service device		
8	that dispenses cigarettes, cigars, tobacco, or any other product		
9	containing tobacco $[\cdot]$, except a vending machine that dispenses		
10	cigarettes, cigars, tobacco, or any other product containing		
11	tobacco through the operation of a device that requires a		
12	salesperson to control the dispensation of the product.		
13	"Lunch wagon" means a mobile vehicle designed and		
14	constructed to transport food and from which food is sold to the		
15	general public and includes but is not limited to manapua		
16	trucks.		
17	"Self-service display" means a display that contains		
18	cigarettes and is located in an area openly accessible to		
19	customers and from which customers can readily access cigarettes		
20	without the assistance of a salesperson. A display case that		
21	holds cigarettes from behind locked doors does not constitute a		
22	self-service display for purposes of this section.		
	HB LRB 07-1390.doc		



H.B. NO. 1094

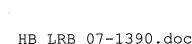
"Sell" or "sale" means to solicit and receive an order for;
to have, keep, offer, or expose for sale; to deliver for value
or in any other manner than purely gratuitously; to peddle; to
keep with intent to sell; or to traffic in."

5 SECTION 2. Statutory material to be repealed is bracketed6 and stricken. New statutory material is underscored.

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

Calin KY. INTRODUCED BY:

JAN 2 2 2007



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Report Title:

Cigarettes; Self-Service Displays; Vending Machines; Fines

Description:

Prohibits sale of cigarettes from self-service displays. Defines "self-service displays". Clarifies definition of "cigarette vending machine". Changes amount of fine from \$1,000 per day to unspecified amounts for first and subsequent offenses.

