
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . TOBACCO PRODUCTS; MINORS**

5 **§321-A Definitions.** As used in this part:

6 "Minor" means any person under the age of eighteen years.

7 "Possession" means knowingly having direct physical control
8 at a given time or knowingly having the power and the intention,
9 at a given time, to exercise dominion or control, including the
10 actual use of the tobacco product.

11 "Tobacco product" means tobacco in any form, including
12 cigarettes, cigars, snuff, and chewing tobacco, that is prepared
13 or intended for consumption by, or the personal use of, humans.

14 **§321-B Tobacco products; minors; possession.** Possession
15 of a tobacco product by a minor shall be prohibited.

16 **§321-C Exemptions.** This part shall not apply to:



1 (1) Any minor, with parental authorization, who is
2 participating in a controlled purchase as part of a
3 law enforcement activity or a study authorized by the
4 department of health under the supervision of law
5 enforcement to determine the level of incidence of
6 tobacco sales to minors; or

7 (2) Possession of tobacco products by a minor in the
8 course of delivery, pursuant to the direction of the
9 minor's employer lawfully engaged in business
10 necessitating the delivery.

11 **§321-D Enforcement; rules.** (a) An agent or employee of
12 the department of health or a law enforcement officer who
13 witnesses a minor in the act of violating section 321-B shall
14 issue a citation to the minor; provided that the family court
15 shall be informed as provided in section 571-21(a) for
16 appropriate proceedings under chapter 571.

17 (b) The department shall adopt rules under chapter 91 for
18 the violation of this part, including the establishment of the
19 amount of any administrative fine, community service
20 requirements, and attendance at youth smoking education
21 programs; provided that the parents or legal guardians of a

1 minor child shall be jointly and severally liable for any
2 administrative fine imposed under this part."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2008-2009 for
6 development and implementation of a youth smoking education
7 program.

8 The sum appropriated shall be expended by the department of
9 health for the purposes of this Act.

10 SECTION 3. In codifying the new sections added by section
11 1 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

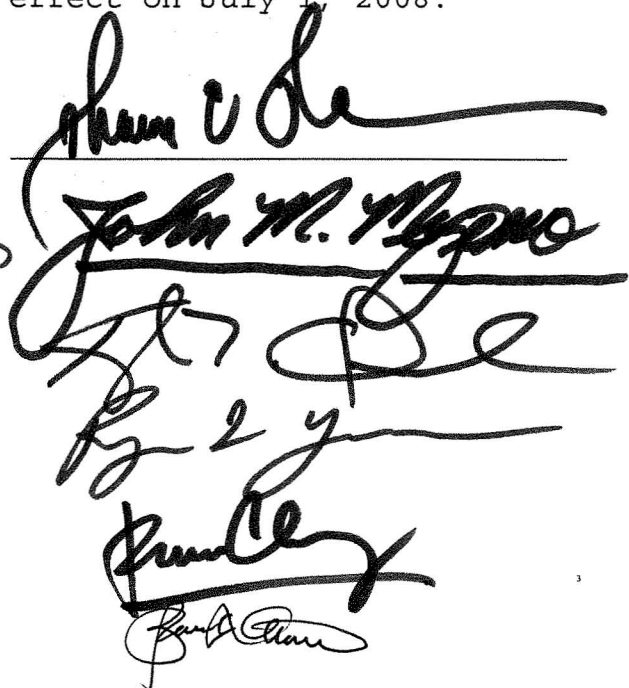
14 SECTION 4. This Act shall take effect upon its approval;
15 provided that section 2 shall take effect on July 1, 2008.

16

INTRODUCED BY:



JAN 18 2008



Report Title:

Tobacco Products; Possession by Minors Prohibited

Description:

Prohibits possession of tobacco products by any person under age 18. Requires department of health to adopt penalties. Makes appropriation to DOH for youth smoking educational program.

