

JAN 24 2007

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Section 328J-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [+]§328J-16 [+] Cigarette sales from vending machines and
4 by lunch wagons prohibited. (a) The sale or distribution [~~at~~
5 ~~no charge~~] of cigarettes by the following methods is prohibited:

6 (1) From cigarette vending machines unless the vending
7 machine is located in a bar, cabaret, or any
8 establishment for which the minimum age for admission
9 is eighteen; or

10 (2) From a lunch wagon engaging in any sales activity
11 within one thousand feet of any public or private
12 elementary or secondary school grounds.

13 (3) From a self-service display, except a cigarette
14 vending machine as provided in this subsection.

15 (b) Violations of subsection (a), including placement of a
16 cigarette vending machine in a location other than a bar,
17 cabaret, or any establishment for which the minimum age for



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 offense at the same location within _____ days shall
4 subject the business or owner to a fine not less than \$_____ and
5 not more than \$_____.

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, 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.



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

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 Statutory material to be repealed is bracketed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

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

8
9

INTRODUCED BY: _____

 A handwritten signature, possibly "A.C.", is written over a horizontal line that serves as a signature line.



Report Title:

SMOKING.

Description:

Amending Section 328J-16 by prohibiting the sale or distribution of cigarettes from self-service displays and amending the violation to this section.

