
A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

SECTION 1. Section 709-908, Hawaii Revised Statutes, is amended to read as follows:

"§709-908 Tobacco; minors. (1) It shall be unlawful to sell or furnish tobacco in any shape or form, including chewing tobacco and snuff, to a minor under eighteen years of age.

(2) Signs using the statement, "The sale of tobacco products to persons under eighteen is prohibited", shall be posted on or near any vending machine in letters at least one-half inch high and at or near the point of sale of any other location where tobacco products are sold in letters at least one-half inch high.

(3) It shall be unlawful for a minor under eighteen years of age to purchase any tobacco product, as described under subsection (1). This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of



1 health under the supervision of law enforcement to determine the
2 level of incidence of tobacco sales to minors.

3 (4) It shall be unlawful for a minor under eighteen years
4 of age to use tobacco in any shape or form, including chewing
5 tobacco and snuff.

6 ~~[+4]~~ (5) Any person who violates subsection (1) or (2),
7 or both, shall be fined \$500 for the first offense. Any
8 subsequent offenses shall subject the person to a fine not less
9 than \$500 nor more than \$2,000.

10 (6) Any minor under eighteen years of age who violates
11 subsection (3) shall be fined \$10 for the first offense. Any
12 subsequent offense shall subject the violator to a fine of \$50,
13 no part of which shall be suspended, or the person shall be
14 required to perform not less than forty-eight hours nor more
15 than seventy-two hours of community service during hours when
16 the person is not employed and is not attending school.

17 (7) Any minor under eighteen years of age who violates
18 subsection (4) shall:

19 (a) For a first offense, be required to participate in a
20 tobacco use cessation program established pursuant to
21 section 328L-5(c), the cost of which shall be borne by
22 the minor's parent or guardian;



1 (b) For a second offense, be required to:

2 (i) Participate in a tobacco use cessation program
3 pursuant to paragraph (a); and

4 (ii) Perform six hours of community service during
5 hours when the person is not employed and is not
6 attending school; provided that the community
7 service shall be performed for an organization,
8 agency, or program dedicated to the reduction of
9 underage use of tobacco products including, but
10 not limited to the Coalition for a Tobacco-Free
11 Hawaii and the tobacco prevention and education
12 program of the department of health; and

13 (c) For a third offense:

14 (i) Be required to participate in a tobacco use
15 cessation program and perform six hours of
16 community service pursuant to paragraph (b); and

17 (ii) Have their license, provisional license, or
18 instruction permit to operate a motor vehicle, or
19 their ability to obtain a license, provisional
20 license, or instruction permit to operate a motor
21 vehicle, suspended for one year from the date of
22 the infraction; provided that minors who have not



1 attained the required age to apply for a license,
2 provisional license, or instruction permit to
3 operate a motor vehicle on the date of the
4 infraction shall have the ability to apply for a
5 license, provisional license, or instruction
6 permit suspended for one year after the date the
7 minor attained the required age to apply for the
8 license, provisional license, or permit.

9 (8) Any tobacco product, as described under subsection
10 (1), that is purchased, possessed, or used by a minor shall be
11 considered contraband and subject to confiscation and seizure
12 with or without a warrant. The contraband tobacco product is
13 subject to summary forfeiture without regard to the procedures
14 set forth in chapter 712A.

15 (9) The fact that a tobacco product is labeled or packaged
16 as such shall be prima facie evidence that the person engaged in
17 the conduct specified by this section with knowledge of the
18 character, nature, and quantity of the tobacco product
19 purchased, possessed, or used."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 3. Statutory material is bracketed and stricken.

2 New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Tobacco Products; Minors

Description:

Prohibits use of tobacco products by minors. Requires minor to complete a tobacco use cessation program, perform community service, and have the minor's driver's license revoked for one year. (SD1)

