
A BILL FOR AN ACT

RELATING TO TOBACCO.

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

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

3 "§709-908 Tobacco; minors. (1) It shall be unlawful to
4 sell or furnish tobacco in any shape or form, including chewing
5 tobacco and snuff, to a minor [~~under eighteen years of age~~].

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

12 (3) It shall be unlawful for a minor [~~under eighteen years~~
13 ~~of age~~] to purchase, possess, or use any tobacco product, as
14 described under subsection (1). This [~~provision does~~] section
15 shall not apply [~~if a person under the age of eighteen,~~] to:

16 (a) Any minor, with parental authorization, who is
17 participating in a controlled purchase as part of a
18 law enforcement activity or a study authorized by the



1 department of health under the supervision of law
2 enforcement to determine the level of incidence of
3 tobacco sales to minors~~[-]~~; or

4 (b) Possession or custody of tobacco by a minor in the
5 course of delivery, pursuant to the direction of the
6 minor's employer lawfully engaged in business
7 necessitating the delivery.

8 (4) Any person who violates subsection (1) or (2), or
9 both, shall be fined \$500 for the first offense. Any subsequent
10 offenses shall subject the person to a fine not less than \$500
11 nor more than \$2,000. Any minor [~~under eighteen years of age~~]
12 who violates subsection (3) shall be fined \$10 for the first
13 offense. Any subsequent offense shall subject the violator to a
14 fine of \$50, no part of which shall be suspended, [~~or~~] and the
15 [~~person shall~~] minor may be required to perform not less than
16 forty-eight hours nor more than seventy-two hours of community
17 service during hours when the [~~person~~] minor is not employed and
18 is not attending school.

19 (5) For purposes of this section, "minor" means any person
20 under eighteen years of age."



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2020.



Report Title:
Tobacco; Minors

Description:
Clarifies that it is unlawful for minors, defined as persons under age 18, to possess or use tobacco products. Exempts minors when lawfully delivering tobacco products or participating in a law enforcement activity. Makes community service optional and not mandatory for subsequent offenses. Effective July 1, 2020. (HB608 HD1)

