

JAN 23 2009

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 by amending subsection (4) to read as follows:

3 "(4) Any person who violates subsection (1) or (2), or
4 both, shall be fined \$500 for the first offense. Any subsequent
5 offenses shall subject the person to a fine not less than \$500
6 nor more than \$2,000. In addition to any fines the court may
7 impose for subsequent violations of subsection (1) by a retailer
8 within a two year period, the court may order the department of
9 taxation to suspend for one year the permit issued to the
10 retailer pursuant to 245-2.5, for the location where the
11 offenses occurred. Any subsequent offense by the retailer
12 within years shall subject the violator to revocation by
13 court order of the permit issued pursuant to section 245-2.5,
14 for the location where the offenses occurred. Upon suspension
15 or revocation of a permit under this subsection, the court shall
16 inform the department of taxation of the suspension or
17 revocation in writing, and the violator shall surrender the



1 permit to the department of taxation. Any minor under eighteen
2 years of age who violates subsection (3) shall be fined \$10 for
3 the first offense. Any subsequent offense shall subject the
4 violator to a fine of \$50, no part of which shall be suspended,
5 or the person shall be required to perform not less than forty-
6 eight hours nor more than seventy-two hours of community service
7 during hours when the person is not employed and is not
8 attending school."

9 SECTION 2. Act 131, Session Laws of Hawaii 2005, is
10 amended by amending section 9 to read as follows:

11 "SECTION 9. This Act shall take effect upon its approval;
12 provided that[+]

13 ~~(1) Sections]~~ sections 4 and 5 of this Act shall take
14 effect on July 1, 2006[+and

15 ~~(2) This Act shall be repealed on July 1, 2009; provided~~
16 ~~that sections 245-1 and 245-2, Hawaii Revised~~
17 ~~Statutes, shall be reenacted in the form in which they~~
18 ~~read on the day before the approval of this Act]."~~

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



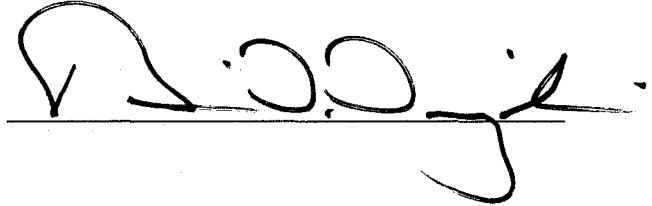
S.B. NO. 525

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "R. J. O'Connell", is written over a horizontal line. The signature is stylized and cursive.

Report Title:

Tobacco; Sales to Minors; Penalties

Description:

Authorizes suspension and revocation of retail tobacco permit for repeat violations of prohibition against sale of tobacco to minors. Permanently enacts retail tobacco permit requirement.

