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## 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.

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

20 (6) As used in this section, "minor" means any person  
21 under eighteen years of age."



# H.B. NO. 98

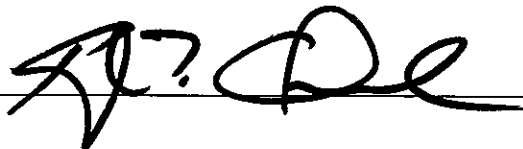
1           SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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, 2011.

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INTRODUCED BY:

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JAN 20 2011



**Report Title:**

Tobacco; Minors

**Description:**

Makes it unlawful for minors, defined as persons under age eighteen, to possess or use tobacco products. Exempts minors when lawfully delivering tobacco products under the direction of an employer or participating in a law enforcement activity. Amends consequences for a minor for subsequent offenses.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

