

JAN 26 2011

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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 any tobacco product, as described under
14 subsection (1). This provision does not apply if a person under
15 the age of eighteen, with parental authorization, is
16 participating in a controlled purchase as part of a law
17 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 be required:

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



1 (b) For a second offense, to:
2 (i) Participate in a tobacco use reduction program
3 pursuant to paragraph (a); and
4 (ii) Perform six hours of community service during
5 hours when the minor 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, to:
14 (i) Participate in a tobacco use reduction program
15 and perform six hours of community service
16 pursuant to paragraph (b); and
17 (ii) Have the minor's provisional license to drive
18 revoked for one year."

19 SECTION 2. 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.

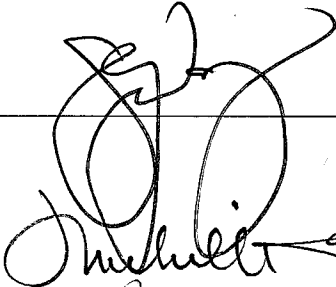






1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____


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Report Title:

Tobacco Products; Minors; Use; Prohibition; Penalties

Description:

Prohibits use of tobacco products by minors. Establishes penalties for use of tobacco products by minors.

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