
A BILL FOR AN ACT

RELATING TO TOBACCO.

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

1 SECTION 1. The legislature finds that the tobacco industry
2 spends more than \$12,000,000,000 annually on advertising and
3 marketing its products in the United States. Each year, tobacco
4 companies spend over \$42,000,000 promoting their brands in
5 stores throughout Hawaii. The National Cancer Institute has
6 reported that the total weight of evidence from multiple studies
7 demonstrates a causal relationship between tobacco advertising
8 and promotion and increased tobacco use.

9 The legislature also finds that restrictions on mass media
10 advertising of tobacco have forced tobacco companies to use
11 retail venues as the primary medium for marketing. Storefronts
12 in Hawaii can act as billboards for tobacco companies,
13 effectively capturing the attention of the State's youth.
14 According to the 2007 Hawaii Youth Tobacco Survey, over seventy-
15 six per cent of high school students and over seventy-one per
16 cent of middle school students reported seeing tobacco product
17 advertisements at local stores and gas stations.



1 The legislature further finds that the 2008 Tobacco and
2 Alcohol Advertising Survey indicated that on average, a store
3 displayed at least two outdoor advertisements and seventeen
4 indoor advertisements for tobacco. Small stores with only one
5 cash register had an average of twenty-four advertisements for
6 tobacco and were more likely to have tobacco advertisements and
7 products at the eye level of children, or near youth-friendly
8 products, such as toys, ice cream, and chips.

9 The legislature additionally finds that retail stores are
10 given incentives to place tobacco advertisements and products in
11 strategic locations near the cash register, known as a point-of-
12 sale, or in self-service displays. Research indicates the
13 presence of these products and advertisements may stimulate
14 impulse purchases. Furthermore, a 2009 study found that
15 frequent visits to stores selling tobacco and a greater
16 awareness of cigarettes sold in stores increased the likelihood
17 of teenagers being susceptible to initiating smoking,
18 experimenting with smoking, or becoming smokers.

19 The legislature has a compelling interest in reducing the
20 number of children and teens in Hawaii who smoke. The
21 legislature finds that because of the documented connection
22 between children and youth exposure to tobacco advertisements



1 and youth tobacco initiation, regulations on the place and
2 manner of cigarette and tobacco products and advertisements are
3 needed.

4 The purpose of this Act is to:

- 5 (1) Require cigarettes and tobacco products to be stored
6 for sale behind a counter;
- 7 (2) Require advertisements that promote or encourage the
8 purchase or use of cigarettes or tobacco products to
9 be placed a minimum distance away from children's
10 products, toys, cookies, candy, ice cream, gum, or
11 snacks; and
- 12 (3) Require advertisements that promote or encourage the
13 purchase or use of cigarettes or tobacco products to
14 be placed a minimum number of feet from the floor.

15 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is
16 amended by adding two new sections to be appropriately
17 designated and to read as follows:

18 "§328J- Placement of cigarettes and tobacco products.

19 (a) A person who owns, manages, operates, or otherwise controls
20 any establishment where cigarettes or tobacco products are sold
21 or offered for sale shall not sell, permit to be sold, offer for
22 sale, or display for sale any cigarettes or tobacco products,



1 unless the cigarettes or tobacco products are stored for sale
2 behind a counter in an area accessible only to the personnel of
3 the business.

4 (b) This section shall not apply to retail tobacco stores,
5 bars, or any establishment for which the minimum age for
6 admission is eighteen.

7 §328J- Display of advertisements for cigarettes and
8 tobacco products. (a) A person who owns, manages, operates, or
9 otherwise controls any establishment that is less than one
10 thousand square feet where cigarettes or tobacco products are
11 sold or offered for sale shall not display any advertising that
12 promotes or encourages the purchase or use of cigarettes or
13 tobacco products within ten feet of children's products or toys
14 or within ten feet of where cookies, candy, ice cream, gum, or
15 snacks are sold. A person who owns, manages, operates, or
16 otherwise controls any establishment that is one thousand square
17 feet or greater where cigarettes or tobacco products are sold or
18 offered for sale shall not display any advertising that promotes
19 or encourages the purchase or use of cigarettes or tobacco
20 products within twenty-five feet of children's products or toys
21 or within twenty-five feet of where cookies, candy, ice cream,
22 gum, or snacks are sold.



1 (b) Advertisements that promote or encourage the purchase
2 or use of cigarettes or tobacco products shall be displayed a
3 minimum of four feet from the floor of any establishment where
4 cigarettes or tobacco products are sold or offered for sale.

5 (c) This section shall not apply to retail tobacco stores,
6 bars, or any establishment for which the minimum age for
7 admission is eighteen."

8 SECTION 3. New statutory material is underscored.

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



Report Title:

Tobacco; Tobacco Products; Advertisements

Description:

Requires cigarettes and tobacco products to be stored for sale behind a counter. Requires advertisements that promote or encourage the purchase or use of cigarettes or tobacco products to be placed at least ten feet away from children's products, toys, cookies, candy, ice cream, gum, or snacks if the establishment is less than one thousand square feet. For establishments one thousand square feet or larger, advertisements that promote or encourage the purchase or use of cigarettes or tobacco products must be at least twenty-five feet away. Requires advertisements that promote or encourage the purchase or use of cigarettes or tobacco products to be placed at least four feet from the floor. Permits exceptions for retail tobacco stores, bars, or establishments where the minimum age for admission is eighteen. (SD1)

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