



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 27, 2013

GOV. MSG. NO. 1330

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

HB672 HD2 SD2 CD1

RELATING TO HEALTH
ACT 227 (13)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor
on JUN 27 2013

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 227
H.B. NO. 672
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

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

PART I

1
2 SECTION 1. The legislature finds that according to a 2009
3 study, frequent visits to stores selling tobacco and a greater
4 awareness of cigarettes sold in stores increased the likelihood
5 of teenagers' susceptibility to initiating smoking,
6 experimenting with smoking, or becoming smokers.

7 The State has a compelling interest in reducing the number
8 of children and teenagers in Hawaii who smoke.

9 The purpose of this part is to reduce the number of minors
10 and youth who smoke by prohibiting the sale of electronic
11 smoking devices to minors and the purchase of these items by
12 minors.

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

15 "§709-908 Tobacco[+] and electronic smoking devices
16 prohibited; minors. (1) It shall be unlawful to sell or
17 furnish tobacco in any shape or form, including chewing tobacco



1 and snuff, or an electronic smoking device to a minor under
2 eighteen years of age.

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

10 (3) It shall be unlawful for a minor under eighteen years
11 of age to purchase any tobacco product, as described under
12 subsection (1) ~~[-]~~, or an electronic smoking device, as described
13 under subsection (5). This provision does not apply if a person
14 under the age of eighteen, with parental authorization, is
15 participating in a controlled purchase as part of a law
16 enforcement activity or a study authorized by the department of
17 health under the supervision of law enforcement to determine the
18 level of incidence of tobacco or electronic smoking devices
19 sales to minors.

20 (4) Any person who violates subsection (1) or (2), or
21 both, shall be fined \$500 for the first offense. Any subsequent
22 offenses shall subject the person to a fine not less than \$500



1 nor more than \$2,000. Any minor under eighteen years of age who
2 violates subsection (3) shall be fined \$10 for the first
3 offense. Any subsequent offense shall subject the violator to a
4 fine of \$50, no part of which shall be suspended, or the person
5 shall be required to perform not less than forty-eight hours nor
6 more than seventy-two hours of community service during hours
7 when the person is not employed and is not attending school.

8 (5) For the purposes of this section:

9 "Electronic smoking device" means any electronic product
10 that can be used to simulate smoking in the delivery of nicotine
11 or other substances to the person inhaling from the device,
12 including but not limited to an electronic cigarette, electronic
13 cigar, electronic cigarillo, or electronic pipe, and any
14 cartridge or other component of the device or related product."

15 PART II

16 SECTION 3. Chapter 328J, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§328J- Placement of cigarettes and tobacco products.

20 (a) Except as otherwise provided under this section, a retailer
21 may sell cigarettes, smokeless tobacco, and all other tobacco
22 products only in a direct, face-to-face exchange between the



1 retailer and the consumer. Examples of methods of sale that are
2 not permitted include vending machines and self-service
3 displays.

4 (b) This section shall not apply to:

5 (1) A duty-free sales enterprise selling duty-free
6 merchandise in accordance with the provisions of Title
7 19 United States Code section 1555(b), and any
8 implementing regulations; and

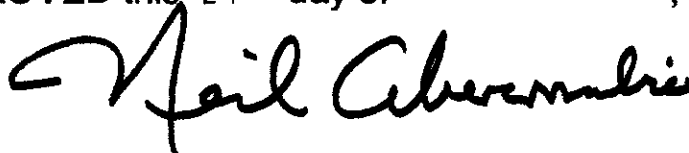
9 (2) Retail tobacco stores, bars, or any other
10 establishment for which the minimum age for admission
11 is eighteen."

12 PART III

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval;
16 provided that section 3 of this Act shall take effect on July 1,
17 2014.

APPROVED this 27 day of JUN , 2013



GOVERNOR OF THE STATE OF HAWAII

