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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The legislature finds that retail stores are  
2 given incentives to place tobacco advertisements and products in  
3 strategic locations near the cash register, known as a point-of-  
4 sale, or in self-service displays. Research indicates the  
5 presence of these products and advertisements may stimulate  
6 impulse purchases. Furthermore, a 2009 study found that  
7 frequent visits to stores selling tobacco and a greater  
8 awareness of cigarettes sold in stores increased the likelihood  
9 of teenagers being susceptible to initiating smoking,  
10 experimenting with smoking, or becoming smokers.

11           The legislature has a compelling interest in reducing the  
12 number of children and teens in Hawaii who smoke. The  
13 legislature finds that because of the documented connection  
14 between children and youth exposure to tobacco advertisements  
15 and youth tobacco initiation, regulations on the place and  
16 manner of cigarette and tobacco products are needed.

17           The purpose of this Act is to reduce the number of minors  
18 and youth who smoke by restricting the placement of cigarettes



1 and tobacco products for sale, and prohibiting the sale of  
2 tobacco and electronic smoking devices to minors and the  
3 purchase of these items by minors.

4 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§328J- Placement of cigarettes and tobacco products.

8 (a) A person who owns, manages, operates, or otherwise controls  
9 any place of employment where cigarettes or tobacco products are  
10 sold or offered for sale shall not sell, permit to be sold,  
11 offer for sale, or display for sale any cigarettes or tobacco  
12 products, unless the cigarettes or tobacco products are stored  
13 for sale behind a counter in an area accessible only to the  
14 personnel of the business.

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

18 (c) For the purposes of this section:

19 "Electronic cigarette" or "e-cigarette" means any  
20 mechanical heating element, battery, or electronic circuit that  
21 can be used to deliver a vapor of nicotine or any other  
22 substances, the use or inhalation of which simulates smoking.



1 The term shall include any such device, whether manufactured,  
2 distributed, marketed, or sold as an e-cigarette; e-cigar;  
3 e-pipe; any cartridge or component of the device or related  
4 product; or any other related product name or descriptor.

5 "Tobacco" and "tobacco products" include electronic  
6 cigarettes."

7 SECTION 3. Section 709-908, Hawaii Revised Statutes, is  
8 amended by amending subsection (1) to read as follows:

9 " ~~[+]§709-908[+]~~ Tobacco ~~[+]~~ and electronic smoking devices  
10 prohibited; minors. (1) It shall be unlawful to sell or  
11 furnish tobacco ~~[in any shape or form, including chewing tobacco~~  
12 ~~and snuff]~~, or any electronic smoking device to a minor under  
13 eighteen years of age.

14 For the purposes of this section:

15 "Electronic smoking device" means an electronic device that  
16 can be used to deliver nicotine or other substances to the  
17 person inhaling from the device including but not limited to an  
18 electronic cigarette, cigar, cigarillo, or pipe.

19 "Tobacco" means tobacco in any shape or form including  
20 chewing tobacco and snuff.

21 (2) Signs using the statement, "The sale of tobacco  
22 products and electronic smoking devices to persons under



1 eighteen is prohibited", shall be posted on or near any vending  
2 machine in letters at least one-half inch high and at or near  
3 the point of sale of any other location where tobacco products  
4 are sold in letters at least one-half inch high.

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

14 (4) Any person who violates subsection (1) or (2), or  
15 both, shall be fined \$500 for the first offense. Any subsequent  
16 offenses shall subject the person to a fine not less than \$500  
17 nor more than \$2,000. Any minor under eighteen years of age who  
18 violates subsection (3) shall be fined \$10 for the first  
19 offense. Any subsequent offense shall subject the violator to a  
20 fine of \$50, no part of which shall be suspended, or the person  
21 shall be required to perform not less than forty-eight hours nor



1 more than seventy-two hours of community service during hours  
2 when the person is not employed and is not attending school."

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

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



**Report Title:**

Electronic Smoking Devices Sale or Purchase to Minors Prohibited

**Description:**

Restricts the placement of cigarettes and tobacco products. Prohibits the sale of any electronic smoking device to a minor under eighteen years of age and the purchase of any electronic smoking device by a minor under eighteen years of age. Defines "electronic smoking device". (HB672 HD1)

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

