
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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PART I

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SECTION 1. The legislature finds that according to a 2009

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study, frequent visits to stores selling tobacco and a greater

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awareness of cigarettes sold in stores increased the likelihood

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of teenagers being susceptible to initiating smoking,

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experimenting with smoking, or becoming smokers.

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The legislature has a compelling interest in reducing the

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number of children and teens in Hawaii who smoke.

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The purpose of this part is to reduce the number of minors

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and youth who smoke by prohibiting the sale of tobacco and

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electronic smoking devices to minors and the purchase of these

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items by minors.

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SECTION 2. Section 709-908, Hawaii Revised Statutes, is

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amended to read as follows:

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"§709-908 Tobacco[+] and electronic smoking devices

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prohibited; minors. (1) It shall be unlawful to sell or

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furnish tobacco in any shape or form, including chewing tobacco



1 and snuff, or electronic smoking devices 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 electronic smoking devices, 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 retail tobacco stores,
5 bars, or any other establishment for which the minimum age for
6 admission is eighteen."

7 **PART III**

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 Statutory material to be repealed is bracketed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

10 SECTION 5. This Act shall take effect on July 1, 2013.



Report Title:

Tobacco; Electronic Smoking Device; Minors; Sale or Purchase Prohibited; Tobacco Sales

Description:

Prohibits the sale of tobacco or electronic smoking devices to minors under eighteen years of age and the purchase of tobacco product or electronic smoking devices by minors under eighteen years of age. Requires retailers to sell tobacco only in a direct face-to-face exchange between the retailer and consumer. Permits exceptions for retail tobacco stores, bars, or establishments where the minimum age for admission is eighteen. (SD2)

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