

JAN 15 2014

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 328J-16, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The sale or distribution at no charge of cigarettes
4 by the following methods is prohibited:

5 (1) From cigarette vending machines unless the vending
6 machine is located in a bar, cabaret, or any
7 establishment for which the minimum age for admission
8 is [~~eighteen;~~] twenty-one; or

9 (2) From a lunch wagon engaging in any sales activity
10 within one thousand feet of any public or private
11 elementary or secondary school grounds."

12 SECTION 2. Section 328J-17, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) This section shall not apply:

15 (1) Within private commercial establishments, such as
16 stores and restaurants, where tobacco products are
17 sold, as long as distribution is not visible to the
18 public from outside the establishment; or



1 (2) To commercial establishments where access to the
2 premises by persons under [~~eighteen~~] twenty-one years
3 of age is prohibited by law."

4 SECTION 3. Section 328J-18, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) This section shall not apply to:

7 (1) A duty-free sales enterprise selling duty-free
8 merchandise in accordance with the provisions of Title
9 19 United States Code section 1555(b), and any
10 implementing regulations; and

11 (2) Retail tobacco stores, bars, or any other
12 establishment for which the minimum age for admission
13 is [~~eighteen.~~] twenty-one."

14 SECTION 4. Section 709-908, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§709-908 Tobacco and electronic smoking devices**
17 **prohibited; [~~minors.~~]; persons under twenty-one years of age.**

18 (1) It shall be unlawful to sell or furnish tobacco in any
19 shape or form, including chewing tobacco and snuff, or an
20 electronic smoking device to a [~~minor~~] person under [~~eighteen~~]
21 twenty-one years of age.



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

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

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

9 (5) For the purposes of this section:

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

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 2029

1 SECTION 7. This Act shall take effect on July 1, 2014.

2

INTRODUCED BY: John Green

Paul Pollock



S.B. NO. 2029

Report Title:

Tobacco Sales; Age Restriction

Description:

Increases the minimum age to purchase tobacco products, including electronic smoking devices, from eighteen to twenty-one. Makes conforming amendments.

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

