
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; provided that this
9 paragraph shall not apply to such sales or
10 distribution of individuals born on or before June 30,
11 1996; or

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

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

17 "(c) This section shall not apply:



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

5 (2) To commercial establishments where access to the
6 premises ~~[by]~~ is prohibited by law for persons under
7 ~~[eighteen]~~ twenty-one years of age ~~[is prohibited by~~
8 ~~law.]~~; provided that this paragraph shall not apply to
9 such access to individuals born on or before June 30,
10 1996."

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

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

14 (1) A duty-free sales enterprise selling duty-free
15 merchandise in accordance with the provisions of Title
16 19 United States Code section 1555(b), and any
17 implementing regulations; and

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

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



1 **"§709-908 Tobacco and electronic smoking devices**

2 **prohibited; [~~minors.~~]; persons under twenty-one years of age.**

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

7 (2) Signs using the statement, "The sale of tobacco
8 products or electronic smoking devices to persons under
9 [~~eighteen~~] twenty-one is prohibited, except for persons born on
10 or before June 30, 1996", shall be posted on or near any vending
11 machine in letters at least one-half inch high and at or near
12 the point of sale of any other location where tobacco products
13 or electronic smoking devices are sold in letters at least one-
14 half inch high.

15 (3) It shall be unlawful for a [~~minor~~] person under
16 [~~eighteen~~] twenty-one years of age to purchase any tobacco
17 product, as described under subsection (1), or an electronic
18 smoking device, as described under subsection (5). This
19 provision does not apply [~~if a~~] to:

20 (a) A person under the age of [~~eighteen,~~] twenty-one, and
21 with parental authorization[~~7~~] if under the age of
22 eighteen, who is participating in a controlled



1 purchase as part of a law enforcement activity or a
2 study authorized by the department of health under the
3 supervision of law enforcement to determine the level
4 of incidence of tobacco or electronic smoking devices
5 sales to [~~minors.~~] persons under the age of twenty-
6 one; or

7 (b) Anyone born on or before June 30, 1996.

8 (4) Any person who violates subsection (1) or (2), or
9 both, shall be fined \$500 for the first offense. Any subsequent
10 offenses shall subject the person to a fine not less than \$500
11 nor more than \$2,000. Any [~~minor~~] person under [~~eighteen~~]
12 twenty-one years of age who violates subsection (3) shall be
13 fined \$10 for the first offense. Any subsequent offense shall
14 subject the violator to a fine of \$50, no part of which shall be
15 suspended, or the person shall be required to perform not less
16 than forty-eight hours nor more than seventy-two hours of
17 community service during hours when the person is not employed
18 and is not attending school.

19 (5) For the purposes of this section:

20 "Electronic smoking device" means any electronic product
21 that can be used to simulate smoking in the delivery of nicotine
22 or other substances to the person inhaling from the device,



1 including but not limited to an electronic cigarette, electronic
2 cigar, electronic cigarillo, or electronic pipe, and any
3 cartridge or other component of the device or related product."

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

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



Report Title:

Tobacco Sales; Age Restriction

Description:

Increases the minimum age to purchase tobacco products, including electronic smoking devices, from eighteen to twenty-one. Prohibits the sale or furnishing of tobacco or an electronic smoking device to a person under twenty-one. Makes exceptions for individuals born on or before June 30, 1996. Makes conforming amendments. (SD1)

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

