
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 709-908, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§709-908 Tobacco products and electronic smoking devices
4 [~~prohibited, minors.~~] persons under twenty-one years of age.

5 (1) [~~It~~] After July 1, 2015, it shall be unlawful to sell
6 or furnish a tobacco product in any shape or form [~~, including~~
7 ~~chewing tobacco and snuff,~~] or an electronic smoking device to a
8 [~~minor under eighteen~~] person under twenty-one years of age.

9 (2) [~~Signs~~] After July 1, 2015, signs using the statement,
10 "The sale of tobacco products or electronic smoking devices to
11 persons under [~~eighteen~~] twenty-one is prohibited", shall be
12 posted on or near any vending machine in letters at least one-
13 half inch high and at or near the point of sale of any other
14 location where tobacco products or electronic smoking devices
15 are sold in letters at least one-half inch high.

16 (3) It shall be unlawful for a [~~minor under eighteen~~]
17 person under twenty-one years of age to purchase any tobacco



1 product [~~as described under subsection (1),~~] or [an] electronic
2 smoking device, as [~~described under~~] those terms are defined in
3 subsection (5). This provision does not apply if a person under
4 the age of [~~eighteen,~~] twenty-one, with parental authorization,
5 is participating in a controlled purchase as part of a law
6 enforcement activity or a study authorized by the department of
7 health under the supervision of law enforcement to determine the
8 level of incidence of tobacco or electronic smoking devices
9 sales to minors.

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

21 (5) For the purposes of this section:



1 "Electronic smoking device" means any electronic product
2 that can be used to [~~simulate smoking in the delivery of~~
3 aerosolize and deliver nicotine or other substances to the
4 person inhaling from the device, including but not limited to an
5 electronic cigarette, electronic cigar, electronic cigarillo, or
6 electronic pipe, and any cartridge or other component of the
7 device or related product.

8 "Tobacco product" means any product made or derived from
9 tobacco that contains nicotine or other substances and is
10 intended for human consumption or is likely to be consumed,
11 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or
12 ingested by other means. "Tobacco product" includes but is not
13 limited to a cigarette, cigar, pipe tobacco, chewing tobacco,
14 snuff, snus, or an electronic smoking device. "Tobacco product"
15 does not include drugs, devices, or combination products
16 approved for sale by the United States Food and Drug
17 Administration, as those terms are defined in the Federal Food,
18 Drug and Cosmetic Act."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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H.B. NO. 587

1 SECTION 3. This Act shall take effect on January 1, 2016.

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JAN 23 2015



H.B. NO. 587

Report Title:

Tobacco; Cigarettes; Minors; Tobacco Sales

Description:

Increases the minimum age for persons who may purchase tobacco products or electronic smoking devices from eighteen to twenty-one years of age. Amends the definition of "electronic smoking device" as used in section 709-908, Hawaii Revised States. Defines "tobacco products".

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