

JAN 22 2016

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§712- Promoting tobacco products and electronic smoking
5 devices; persons under twenty-one years of age. (1) Effective
6 July 1, 2016, it shall be unlawful to sell or furnish a tobacco
7 product in any shape or form or an electronic smoking device to
8 a person under twenty-one years of age.

9 (2) Effective July 1, 2016, signs using the statement,
10 "The sale of tobacco products or electronic smoking devices to
11 persons under twenty-one is prohibited", shall be posted on or
12 near any vending machine in letters at least one-half inch high
13 and at or near the point of sale of any other location where
14 tobacco products or electronic smoking devices are sold in
15 letters at least one-half inch high.

16 (3) It shall be unlawful for a person under twenty-one
17 years of age to purchase any tobacco product or electronic



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

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



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

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

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

18 [~~"§709-908 Tobacco products and electronic smoking~~
19 ~~devices; persons under twenty-one years of age. (1) Effective~~
20 ~~January 1, 2016, it shall be unlawful to sell or furnish a~~



1 ~~tobacco product in any shape or form or an electronic smoking~~
2 ~~device to a person under twenty one years of age.~~

3 ~~(2) Effective January 1, 2016, signs using the statement,~~
4 ~~"The sale of tobacco products or electronic smoking devices to~~
5 ~~persons under twenty one is prohibited", shall be posted on or~~
6 ~~near any vending machine in letters at least one half inch high~~
7 ~~and at or near the point of sale of any other location where~~
8 ~~tobacco products or electronic smoking devices are sold in~~
9 ~~letters at least one half inch high.~~

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

20 ~~(4) Any person who violates subsection (1) or (2), or~~
21 ~~both, shall be fined \$500 for the first offense. Any subsequent~~



1 ~~offenses shall subject the person to a fine not less than \$500~~
2 ~~nor more than \$2,000. Any person under twenty one years of age~~
3 ~~who violates subsection (3) shall be fined \$10 for the first~~
4 ~~offense. Any subsequent offense shall subject the violator to a~~
5 ~~fine of \$50, no part of which shall be suspended, or the person~~
6 ~~shall be required to perform not less than forty eight hours nor~~
7 ~~more than seventy two hours of community service during hours~~
8 ~~when the person is not employed 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 aerosolize and deliver nicotine or other~~
12 ~~substances to the person inhaling from the device, including but~~
13 ~~not limited to an electronic cigarette, electronic cigar,~~
14 ~~electronic cigarillo, or electronic pipe, and any cartridge or~~
15 ~~other component of the device or related product.~~

16 ~~"Tobacco product" means any product made or derived from~~
17 ~~tobacco that contains nicotine or other substances and is~~
18 ~~intended for human consumption or is likely to be consumed,~~
19 ~~whether smoked, heated, chewed, absorbed, dissolved, inhaled, or~~
20 ~~ingested by other means. "Tobacco product" includes but is not~~
21 ~~limited to a cigarette, cigar, pipe tobacco, chewing tobacco,~~



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1 ~~snuff, snus, or an electronic smoking device. "Tobacco product"~~
2 ~~does not include drugs, devices, or combination products~~
3 ~~approved for sale by the United States Food and Drug~~
4 ~~Administration, as those terms are defined in the Federal Food,~~
5 ~~Drug, and Cosmetic Act."]~~

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

8 SECTION 4. This Act shall take effect on July 1, 2016.

9

INTRODUCED BY: ~~SC. WITH AGONY~~
Will
Mike Hobbs
David [unclear]
[unclear]



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Report Title:

Tobacco Products; Electronic Smoking Devices; Minors

Description:

Moves section 709-908, Hawaii Revised Statutes, pertaining to furnishing tobacco products and electronic smoking devices to minors from the chapter on offenses against the family and against incompetents to the chapter on offenses against public health and morals.

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

