
A BILL FOR AN ACT

RELATING TO THE SALE OF TOBACCO PRODUCTS.

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

1 SECTION 1. Section 712-1258, Hawaii Revised Statutes, is
2 amended by amending subsections (6) and (7) to read as follows:
3 "(6) Any [~~person who~~] retailer, permittee, or registrant
4 who violates or whose employee violates subsection (1) or (4),
5 or both, shall be fined \$500 for the first offense. Any
6 subsequent offenses shall subject the [~~person~~] retailer,
7 permittee, or registrant to a fine not less than \$500 nor more
8 than \$2,000. Any person under twenty-one years of age who
9 violates subsection (5) shall be fined \$10 for the first
10 offense. Any subsequent offense shall subject the violator to a
11 fine of \$50, no part of which shall be suspended, or the person
12 shall be required to perform not less than forty-eight hours nor
13 more than seventy-two hours of community service during hours
14 when the person is not employed and is not attending school.
15 Any tobacco product or electronic smoking device, as those terms
16 are defined in subsection (7), in the person's possession at the
17 time of violation of subsection (5) shall be seized, summarily



1 forfeited to the State, and destroyed by law enforcement
2 following the conclusion of an administrative or judicial
3 proceeding finding that a violation of subsection (5) has been
4 committed. The procedures set forth in chapter 712A shall not
5 apply to this subsection.

6 (7) For the purposes of this section:

7 "Electronic smoking device" means any electronic product
8 that can be used to aerosolize and deliver nicotine or other
9 substances to the person inhaling from the device, including but
10 not limited to an electronic cigarette, electronic cigar,
11 electronic cigarillo, or electronic pipe, and any cartridge or
12 other component of the device or related product.

13 "Permittee" means the holder of a retail tobacco permit in
14 accordance with chapter 245.

15 "Registrant" means an entity registered with the electronic
16 smoking device retailer registration unit pursuant to section
17 28-164.

18 "Retailer" means an entity that engages in the practice of
19 selling cigarettes or tobacco products to consumers and includes
20 the owner of a cigarette or tobacco product vending machine.



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

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Electronic Smoking Devices; Tobacco Products; Underage Sales of Tobacco Products; Penalties

Description:

Clarifies that liability for illegally selling tobacco products and electronic smoking devices to persons under 21 is borne by the retail entity, entity that holds a retail tobacco permit, or entity registered to sell electronic smoking devices, as opposed to an employee. (SB1244 HD1)

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