
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] employee of a retailer, permittee, or
4 registrant who violates subsection (1) or (4), or both, shall be
5 fined ~~[\$500]~~ \$100 for the first offense ~~[-. Any subsequent~~
6 ~~offenses shall subject the person to a fine]~~, and not less than
7 [\$500] \$100 nor more than [\$2,000-] \$500 for any subsequent
8 offense within five years of a previous offense. Any retailer,
9 permittee, or registrant who violates or whose employee violates
10 subsection (1) or (4), or both, shall:
11 (a) Be fined \$500 for the first offense;
12 (b) Be fined not less than \$500 nor more than \$5,000 for a
13 second offense within five years of a previous
14 offense; and
15 (c) Have the retailer's, permittee's, or registrant's
16 license suspended for a third or any subsequent
17 offense within five years of the last offense.



1 Any person under twenty-one years of age who violates subsection
2 (5) shall be fined \$10 for the first offense. Any subsequent
3 offense shall subject the violator to a fine of \$50, no part of
4 which shall be suspended, or the person shall be required to
5 perform not less than forty-eight hours nor more than seventy-
6 two hours of community service during hours when the person is
7 not employed and is not attending school. Any tobacco product
8 or electronic smoking device, as those terms are defined in
9 subsection (7), in the person's possession at the time of
10 violation of subsection (5) shall be seized, summarily forfeited
11 to the State, and destroyed by law enforcement following the
12 conclusion of an administrative or judicial proceeding finding
13 that a violation of subsection (5) has been committed. The
14 procedures set forth in chapter 712A shall not apply to this
15 subsection.

16 (7) For the purposes of this section:

17 "Electronic smoking device" means any electronic product
18 that can be used to aerosolize and deliver nicotine or other
19 substances to the person inhaling from the device, including but
20 not limited to an electronic cigarette, electronic cigar,



1 electronic cigarillo, or electronic pipe, and any cartridge or
2 other component of the device or related product.

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

5 "Registrant" means an entity registered with the electronic
6 smoking device retailer registration unit pursuant to section
7 28-164.

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

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



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2020.



S.B. NO. 2904
S.D. 1

Report Title:

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

Description:

Establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic cigarette smoking devices who illegally sell tobacco products and electronic smoking devices to persons under twenty-one years of age. (SD1)

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