

ACT 313

S.B. NO. 2280

A Bill for an Act Relating to Cigarette Sales by Mobile Food Vendors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 328K-7, Hawaii Revised Statutes, is amended to read as follows:

“[[§328K-7]] Cigarette sales from vending machines[.] and by lunch wagons prohibited. (a) The sale or distribution at no charge of cigarettes [from vending machines] by the following methods is prohibited:

- (1) From cigarette vending machines unless the vending machine is located in a bar, cabaret, or any establishment for which the minimum age for admission is eighteen[.]; or
- (2) From a lunch wagon engaging in any sales activity within one thousand feet of any public or private elementary or secondary school grounds.

(b) Violations of subsection (a), including placement of a cigarette vending machine in a location other than a bar, cabaret, or any establishment for which the minimum age for admission is eighteen, are subject to a fine of up to \$1,000 per day for each violation.

(c) As used in this section[, “cigarette]:

“Cigarette vending machine” means a self-service device that dispenses cigarettes, cigars, tobacco, or any other product containing tobacco.

“Lunch wagon” means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public and includes, but is not limited to manapua trucks.

“Sell” or “sale” means to solicit and receive an order for; to have, keep, offer, or expose for sale; to deliver for value or in any other manner than purely gratuitously; to peddle; to keep with intent to sell; or to traffic in.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 3, 1996.)