HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

H.B. NO. 2934

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

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

"**§709-908 Tobacco; minors.** (1) It shall be unlawful to sell or furnish tobacco in any shape or form, including chewing tobacco and snuff, to a minor under eighteen years of age.

(2) Signs using the statement, "The sale of tobacco products to persons under eighteen is prohibited", shall be posted on or near any vending machine in letters at least one-half inch high and at or near the point of sale of any other location where tobacco products are sold in letters at least one-half inch high.

(3) It shall be unlawful for a minor under eighteen years of age to purchase any tobacco product, as described under subsection (1). This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of

health under the supervision of law enforcement to determine the level of incidence of tobacco sales to minors.

(4) It shall be unlawful for a minor under eighteen years of age to use tobacco in any shape or form, including chewing tobacco and snuff.

[~~(4)~~] (5) Any person who violates subsection (1) or (2), or both, shall be fined $500 for the first offense. Any subsequent offenses shall subject the person to a fine not less than $500 nor more than $2,000.

(6) Any minor under eighteen years of age who violates subsection (3) shall be fined $10 for the first offense. Any subsequent offense shall subject the violator to a fine of $50, no part of which shall be suspended, or the person shall be required to perform not less than forty-eight hours nor more than seventy-two hours of community service during hours when the person is not employed and is not attending school.

(7) Any minor under eighteen years of age who violates subsection (4) shall:

(a) For a first offense, be required to participate in a tobacco use cessation program established pursuant to section 328L-5(c), the cost of which shall be borne by the minor's parent or guardian;

(b) For a second offense, be required to:

(i) Participate in a tobacco use cessation program pursuant to paragraph (a); and

(ii) Perform six hours of community service during hours when the person is not employed and is not attending school; provided that the community service shall be performed for an organization, agency, or program dedicated to the reduction of underage use of tobacco products including, but not limited to the Coalition for a Tobacco-Free Hawaii and the tobacco prevention and education program of the department of health;

and

(c) For a third offense:

(i) Be required to participate in a tobacco use cessation program and perform six hours of community service pursuant to paragraph (b); and

(ii) Have their driver's license revoked for one year."

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

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SECTION 3. Statutory material is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

JAN 22 2008

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Report Title:
Tobacco Products; Minors

Description:
Prohibits use of tobacco products by minors. Requires minor to complete a tobacco use cessation program, perform community service, and have his or her driver's license revoked for one year.