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# A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

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

3 "§709-908 Tobacco; minors. (1) It shall be unlawful to  
4 sell or furnish tobacco in any shape or form, including chewing  
5 tobacco and snuff, to a minor under eighteen years of age.

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

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



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

3 (4) It shall be unlawful for a minor under eighteen years  
4 of age to use tobacco in any shape or form, including chewing  
5 tobacco and snuff. The penalty for violation of this subsection  
6 shall be confiscation by a law enforcement officer of any  
7 tobacco products found in the possession of the minor.

8 [~~4~~] (5) Any person who violates subsection (1) or (2), or  
9 both, shall be fined \$500 for the first offense. Any subsequent  
10 offenses shall subject the person to a fine not less than \$500  
11 nor more than \$2,000.

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

19 (7) For the purposes of this section:

20 "Tobacco" and "tobacco products" shall include electronic  
21 cigarettes.



1       "Electronic cigarette" means any device using a mechanical  
2 heating element, battery, or electronic circuit, and any  
3 cartridge or component of the device, that is intended to  
4 deliver a vapor of nicotine or any other substance, the use or  
5 inhalation of which simulates smoking, regardless of whether the  
6 device is manufactured, distributed, marketed, or sold as an e-  
7 cigarette, e-cigar, or e-pipe or under any other product name."

8       SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10       SECTION 3. This Act shall take effect on January 1, 2050.



**Report Title:**

Tobacco Products; Minors; Use; Prohibition; Confiscation

**Description:**

Prohibits use of tobacco products by minors. Authorizes law enforcement officer to confiscate tobacco products used by minors. Effective January 1, 2050. (SB1168 HD1)

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

