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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that according to a 2009  
3 study, frequent visits to stores selling tobacco and a greater  
4 awareness of cigarettes sold in stores increased the likelihood  
5 of teenagers' susceptibility to initiating smoking,  
6 experimenting with smoking, or becoming smokers.

7 The State has a compelling interest in reducing the number  
8 of children and teenagers in Hawaii who smoke.

9 The purpose of this part is to reduce the number of minors  
10 and youth who smoke by prohibiting the sale of electronic  
11 smoking devices to minors and the purchase of these items by  
12 minors.

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

15 "**§709-908 Tobacco[+] and electronic smoking devices**  
16 **prohibited; minors.** (1) It shall be unlawful to sell or  
17 furnish tobacco in any shape or form, including chewing tobacco



1 and snuff, or an electronic smoking device to a minor under  
2 eighteen years of age.

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

10 (3) It shall be unlawful for a minor under eighteen years  
11 of age to purchase any tobacco product, as described under  
12 subsection (1) [~~-~~], or an electronic smoking device, as described  
13 under subsection (5). This provision does not apply if a person  
14 under the age of eighteen, with parental authorization, is  
15 participating in a controlled purchase as part of a law  
16 enforcement activity or a study authorized by the department of  
17 health under the supervision of law enforcement to determine the  
18 level of incidence of tobacco or electronic smoking devices  
19 sales to minors.

20 (4) Any person who violates subsection (1) or (2), or  
21 both, shall be fined \$500 for the first offense. Any subsequent  
22 offenses shall subject the person to a fine not less than \$500



1 nor more than \$2,000. Any minor under eighteen years of age who  
2 violates subsection (3) shall be fined \$10 for the first  
3 offense. Any subsequent offense shall subject the violator to a  
4 fine of \$50, no part of which shall be suspended, or the person  
5 shall be required to perform not less than forty-eight hours nor  
6 more than seventy-two hours of community service during hours  
7 when the person is not employed and is not attending school.

8 (5) For the purposes of this section:

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

15 PART II

16 SECTION 3. Chapter 328J, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§328J- Placement of cigarettes and tobacco products.

20 (a) Except as otherwise provided under this section, a retailer  
21 may sell cigarettes, smokeless tobacco, and all other tobacco  
22 products only in a direct, face-to-face exchange between the



1 retailer and the consumer. Examples of methods of sale that are  
2 not permitted include vending machines and self-service  
3 displays.

4 (b) This section shall not apply to:

5 (1) A duty-free sales enterprise selling duty-free  
6 merchandise in accordance with the provisions of Title  
7 19 United States Code section 1555(b), and any  
8 implementing regulations; and

9 (2) Retail tobacco stores, bars, or any other  
10 establishment for which the minimum age for admission  
11 is eighteen."

12 PART III

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval;  
16 provided that section 3 of this Act shall take effect on July 1,  
17 2014.



**Report Title:**

Tobacco; Electronic Smoking Device; Minors; Sale or Purchase Prohibited; Tobacco Sales

**Description:**

Prohibits the sale and purchase of electronic smoking devices to minors under eighteen years of age. Requires retailers to sell tobacco only in a direct face-to-face exchange between the retailer and consumer, except for in-bond concessions (duty-free retail), retail tobacco stores, bars, or establishments where the minimum age for admission is eighteen. (HB672 CD1)

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

