

JAN 28 2015

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# A BILL FOR AN ACT

RELATING TO HEALTH.

**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 products and electronic smoking devices  
4 ~~[prohibited, minors.]~~; persons under twenty-one years of age.

5 (1) ~~[It]~~ After July 1, 2015, it shall be unlawful to sell  
6 or furnish a tobacco product in any shape or form~~[, including~~  
7 ~~chewing tobacco and snuff,]~~ or an electronic smoking device to a  
8 ~~[minor under eighteen]~~ person under twenty-one years of age.

9 (2) ~~[Signs]~~ After July 1, 2015, signs using the statement,  
10 "The sale of tobacco products or electronic smoking devices to  
11 persons under ~~[eighteen]~~ twenty-one is prohibited", shall be  
12 posted on or near any vending machine in letters at least one-  
13 half inch high and at or near the point of sale of any other  
14 location where tobacco products or electronic smoking devices  
15 are sold in letters at least one-half inch high.

16 (3) It shall be unlawful for a ~~[minor under eighteen]~~  
17 person under twenty-one years of age to purchase any tobacco



1 product [~~as described under subsection (1),~~] or [an] electronic  
2 smoking device, as [~~described under~~] those terms are defined in  
3 subsection (5). This provision does not apply if a person under  
4 the age of [~~eighteen,~~] twenty-one, with parental authorization,  
5 is participating in a controlled purchase as part of a law  
6 enforcement activity or a study authorized by the department of  
7 health under the supervision of law enforcement to determine the  
8 level of incidence of tobacco or electronic smoking devices  
9 sales to minors.

10 (4) Any person who violates subsection (1) [~~or~~], (2), or  
11 both, shall be fined \$500 for the first offense. Any subsequent  
12 offenses shall subject the person to a fine not less than \$500  
13 nor more than \$2,000. Any [~~minor under eighteen~~] person under  
14 twenty-one years of age who violates subsection (3) shall be  
15 fined \$10 for the first offense. Any subsequent offense shall  
16 subject the violator to a fine of \$50, no part of which shall be  
17 suspended, or the person shall be required to perform not less  
18 than forty-eight hours nor more than seventy-two hours of  
19 community service during hours when the person is not employed  
20 and is not attending school.

21 (5) For the purposes of this section:



1 "Electronic smoking device" means any electronic product  
2 that can be used to [~~simulate smoking in the delivery of~~]  
3 aerosolize and deliver nicotine or other substances to the  
4 person inhaling from the device, including but not limited to an  
5 electronic cigarette, electronic cigar, electronic cigarillo, or  
6 electronic pipe, and any cartridge or other component of the  
7 device or related product.

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

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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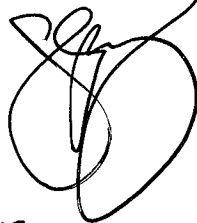


# S.B. NO. 1030

1 SECTION 3. This Act shall take effect on January 1, 2016.

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INTRODUCED BY:

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# S.B. NO. 1030

**Report Title:**

Tobacco; Cigarettes; Minors; Tobacco Sales

**Description:**

Increases the minimum age for persons who may purchase tobacco products or electronic smoking devices from eighteen to twenty-one years of age. Amends the definition of "electronic smoking device" as used in section 709-908, Hawaii Revised States. Defines "tobacco products".

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