
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the use of
2 e-cigarettes is prevalent among adolescents in Hawaii.
3 According to recent figures from six Hawaii high schools, among
4 the ninth and tenth grade students, twenty-nine percent have
5 used e-cigarettes at least once and eighteen percent use them
6 regularly. This sample's rate of e-cigarette use by adolescents
7 is considerably higher than rates in current studies of
8 adolescents in other areas of the United States.

9 The legislature further finds that e-cigarettes are popular
10 among adolescents and the majority regard e-cigarettes as
11 healthier than cigarettes. However, using e-cigarettes in most
12 instances exposes adolescents to nicotine, which is a highly
13 addictive substance. Therefore, in addition to preventing
14 e-cigarette use by adolescents, more research is needed to test
15 why e-cigarettes appeal to adolescents and whether using
16 e-cigarettes carries more benefits than risks.

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



1 "§709-908 Tobacco products and electronic smoking devices
2 ~~[prohibited, minors.]; persons under twenty-one years of age.~~

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

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

14 (3) It shall be unlawful for a ~~[minor under eighteen]~~
15 person under twenty-one years of age to purchase any tobacco
16 product~~[, as described under subsection (1),]~~ or ~~[an]~~ electronic
17 smoking device, as ~~[described under]~~ those terms are defined in
18 subsection (5). This provision does not apply if a person under
19 the age of ~~[eighteen,]~~ twenty-one, with parental authorization,
20 is participating in a controlled purchase as part of a law
21 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 or electronic smoking devices
3 sales to minors.

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

15 (5) For the purposes of this section:

16 "Electronic smoking device" means any electronic product
17 that can be used to ~~[simulate smoking in the delivery of]~~
18 aerosolize and deliver nicotine or other substances to the
19 person inhaling from the device, including but not limited to an
20 electronic cigarette, electronic cigar, electronic cigarillo, or

1 electronic pipe, and any cartridge or other component of the
2 device or related product.

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Tobacco; Electronic; 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 Statutes. Defines "tobacco products". Effective 7/1/2050. (SD1)

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

