
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 328J-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§328J-16[+]~~ Cigarette sales from vending machines and
4 by lunch wagons; prohibited. (a) The sale or distribution at
5 no charge of cigarettes by the following methods is prohibited:

6 (1) From cigarette vending machines unless the vending
7 machine is located in a bar, cabaret, or any
8 establishment for which the minimum age for admission
9 is ~~[eighteen,]~~ twenty-one; or

10 (2) From a lunch wagon engaging in any sales activity
11 within one thousand feet of any public or private
12 elementary or secondary school grounds.

13 (b) Violations of subsection (a), including placement of a
14 cigarette vending machine in a location other than a bar,
15 cabaret, or any establishment for which the minimum age for
16 admission is ~~[eighteen,]~~ twenty-one, are subject to a fine of up
17 to \$1,000 per day for each violation.

18 (c) As used in this section:



1 "Cigarette vending machine" means a self-service device
2 that dispenses cigarettes, cigars, tobacco, or any other product
3 containing tobacco.

4 "Lunch wagon" means a mobile vehicle designed and
5 constructed to transport food and from which food is sold to the
6 general public and includes, but is not limited to, manapua
7 trucks.

8 "Sell" or "sale" means to solicit and receive an order for;
9 to have, keep, offer, or expose for sale; to deliver for value
10 or in any other manner than purely gratuitously; to peddle; to
11 keep with intent to sell; or to traffic in."

12 SECTION 2. Section 328J-17, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) This section shall not apply:

- 15 (1) Within private commercial establishments, such as
16 stores and restaurants, where tobacco products are
17 sold, as long as distribution is not visible to the
18 public from outside the establishment; or
19 (2) To commercial establishments where access to the
20 premises by persons under [~~eighteen~~] twenty-one years
21 of age is prohibited by law."



1 SECTION 3. Section 328J-18, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) This section shall not apply to:

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

8 (2) Retail tobacco stores, bars, or any other
9 establishment for which the minimum age for admission
10 is ~~[eighteen.]~~ twenty-one."

11 SECTION 4. Section 709-908, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§709-908 Tobacco and electronic smoking devices
14 prohibited; ~~[minors.]~~ persons under twenty-one years of age.

15 (1) ~~[It]~~ From July 1, 2016, to June 30, 2019, it shall be
16 unlawful to sell or furnish tobacco in any shape or form,
17 including chewing tobacco and snuff, or an electronic smoking
18 device, to a person born after June 30, 1998.

19 (2) After June 30, 2019, it shall be unlawful to sell or
20 furnish tobacco in any shape or form, including chewing tobacco
21 and snuff, or an electronic smoking device, to a ~~[minor]~~ person
22 under ~~[eighteen]~~ twenty-one years of age.



1 (3) From July 1, 2016, to June 30, 2019, signs using the
2 statement, "The sale of tobacco products to persons born after
3 June 30, 1998, is prohibited", shall be posted in letters at
4 least one-half inch high on or near any vending machines and at
5 or near the point of sale of any other location where tobacco
6 products or electronic smoking devices are sold.

7 ~~[-(2)—Signs]~~ (4) After June 30, 2019, signs using the
8 statement, "The sale of tobacco products or electronic smoking
9 devices to persons under [eighteen] twenty-one is prohibited",
10 shall be posted [~~on or near any vending machine~~] in letters at
11 least one-half inch high on or near any vending machines and at
12 or near the point of sale of any other location where tobacco
13 products or electronic smoking devices are sold [~~in letters at~~
14 ~~least one-half inch high~~].

15 ~~[-(3)]~~ (5) It shall be unlawful for a [minor] person under
16 [eighteen] twenty-one years of age to purchase any tobacco
17 product [~~, as described under subsection (1), or an electronic~~
18 ~~smoking device, as described under subsection (5).] or~~
19 electronic smoking device pursuant to subsection (1). This
20 provision does not apply if a person [~~under~~]:

21 (a) Under the age of [eighteen~~7~~] twenty-one, with parental
22 authorization, is participating in a controlled



1 purchase as part of a law enforcement activity or a
2 study authorized by the department of health under the
3 supervision of law enforcement to determine the level
4 of incidence of tobacco or electronic smoking devices
5 sales to minors ~~[-]~~; or

6 (b) Was eighteen years of age or older on or before June
7 30, 2016.

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

19 ~~[(5)]~~ (7) For the purposes of this section:

20 "Electronic smoking device" means any electronic product
21 that can be used to ~~[simulate smoking in the delivery of]~~
22 vaporize and deliver nicotine or other substances to the person



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1 inhaling from the device [7] including, but not limited to, an
2 electronic cigarette, electronic cigar, electronic cigarillo, or
3 electronic pipe, and any cartridge or other component of the
4 device or related product."

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2016.
8

INTRODUCED BY:

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JAN 23 2015



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Report Title:

Electronic Smoking Devices; Tobacco; Cigarettes; Minors

Description:

Increases the age in which one can sell, furnish, distribute or purchase tobacco or electronic smoking devices from 18 to 21.

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