

JAN 20 2012

A BILL FOR AN ACT

RELATING TO TOBACCO PRODUCTS.

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

1 SECTION 1. The legislature finds that tobacco use
2 continues to be a major health issue in the State, causing death
3 and disease. Because of the health hazards of tobacco, its sale
4 to minors is prohibited in all states. While cigarette smoking
5 has steadily declined among youth and adults, there has not been
6 a steady decline in the use of other tobacco products by youth,
7 including smokeless tobacco and cigars. Youth often fail to
8 comprehend the health and safety risks of tobacco use.
9 Therefore, it is important that there be safeguards to prevent
10 youth access to tobacco products.

11 A prohibition on self-service displays of tobacco products
12 would reduce youth access to these hazardous products, lower
13 tobacco theft, and cut down on the illegal sale of tobacco
14 products to youth.

15 The purpose of this Act is to prevent youth access to
16 tobacco products by minors by prohibiting retailers from
17 displaying or storing tobacco products through self-service



1 display or engaging in tobacco product retailing through self-
2 service display.

3 SECTION 2. Chapter 245, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§245- Self-service displays of tobacco products;**
7 **prohibited.** (a) No retailer shall display or store tobacco
8 products through self-service display or engage in tobacco
9 product retailing through self-service display, or display or
10 store tobacco products in any manner that permits direct
11 customer access or customer self-service, whether by shelf
12 display, counter display, kiosk, vending machine, or other means
13 of open display of tobacco products.

14 (b) This section shall not apply to cigarette sales from
15 vending machines under section 328J-16(a).

16 (c) Any person who violates this section or any rule
17 adopted by the department pursuant to this section shall be
18 subject to the following:

19 (1) For the first offense, suspension of a retail tobacco
20 permit pursuant to section 245-2.5; and

21 (2) For any subsequent offense, revocation of a retail
22 tobacco permit pursuant to section 245.2.5.



1 (d) The department of health may adopt rules in accordance
2 with chapter 91 to carry out this section.

3 (e) As used in this section:

4 "Retailer" means an entity that engages in the practice of
5 selling cigarettes or tobacco products, as defined in this
6 section, to consumers and includes the owner of a cigarette or
7 tobacco product vending machine.

8 "Self-service display" means the open display of tobacco
9 products in a manner that is accessible to the general public
10 without the assistance of the retailer or an employee of the
11 retailer. "Self-service display" includes any open or unlocked
12 rack, shelf, or counter-top display.

13 "Tobacco products" means tobacco in any form that is
14 prepared or intended for consumption or personal use by humans,
15 including cigarettes, little cigars, large cigars, e-cigarettes,
16 nicotine products not for cessation, snuff, chewing or smokeless
17 tobacco, dipping tobacco, bidis, smoking or pipe tobacco, and
18 any substitutes thereof that bear the semblance thereof."

19 SECTION 3. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or
22 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect thirty days after
5 its approval.

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INTRODUCED BY:

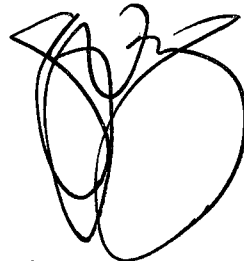


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S.B. NO. 2426

Report Title:

Tobacco Product Self-Service Display; Prohibition

Description:

Prohibits retailers from displaying or storing tobacco products through self-service display or engaging in tobacco product retailing through self-service display.

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