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

6           The legislature has a compelling interest in reducing the  
7 number of children and teens in Hawaii who smoke.

8           The purpose of this Act is to reduce the number of minors  
9 and youth who smoke by prohibiting the sale of tobacco products  
10 and vapor products to minors and the purchase of these items by  
11 minors.

12           SECTION 2. Section 709-908, Hawaii Revised Statutes, is  
13 amended by amending subsection (1) to read as follows:

14           " ~~[+]§709-908[+]~~ **Tobacco~~[+]~~ products and vapor products**  
15 **prohibited; minors.** (1) It shall be unlawful to sell or  
16 furnish tobacco products or vapor products [~~in any shape or~~  
17 ~~form, including chewing tobacco and snuff~~], to a minor under  
18 eighteen years of age.



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

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

16           (4) Any person who violates subsection (1) or (2), or  
17 both, shall be fined \$500 for the first offense. Any subsequent  
18 offenses shall subject the person to a fine not less than \$500  
19 nor more than \$2,000. Any minor under eighteen years of age who  
20 violates subsection (3) shall be fined \$10 for the first  
21 offense. Any subsequent offense shall subject the violator to a  
22 fine of \$50, no part of which shall be suspended, or the person



1 shall be required to perform not less than forty-eight hours nor  
2 more than seventy-two hours of community service during hours  
3 when the person is not employed and is not attending school.

4 (5) For the purposes of this section:

5 "Tobacco product" means any product made or derived from  
6 tobacco that is intended for human consumption, including  
7 cigarettes, cigars, snuff, chewing or smokeless tobacco, and  
8 smoking or pipe tobacco. Tobacco product shall not include any  
9 product that is regulated by the United States Food and Drug  
10 Administration under Chapter V of the Federal Food, Drug, and  
11 Cosmetic Act.

12 "Vapor product" means any noncombustible tobacco derived  
13 product containing nicotine that employs a mechanical heating  
14 element, battery, or circuit, regardless of shape or size, that  
15 can be used to heat a liquid nicotine solution contained in  
16 cartridges, and includes an electronic cigarette, electronic  
17 cigar, electronic cigarillo, or electronic pipe. Vapor products  
18 shall not include any product that is regulated by the United  
19 States Food and Drug Administration under Chapter V of the  
20 Federal Food, Drug, and Cosmetic Act."

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1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Vapor Product Sale or Purchase to Minors Prohibited

**Description:**

Prohibits the sale of any tobacco product or vapor product to a minor under eighteen years of age and the purchase of any tobacco product or vapor product by a minor under eighteen years of age. (HB672 HD2)

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

