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# A BILL FOR AN ACT

RELATING TO SALES OF ELECTRONIC SMOKING DEVICES TO PERSONS UNDER  
18 YEARS OF AGE.

**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~~; vapor products; minors.

4           (1) It shall be unlawful to sell or furnish tobacco products or  
5 vapor products in any shape or form [~~, including chewing tobacco~~  
6 ~~and snuff,~~] to a minor under eighteen years of age.

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

13           (3) It shall be unlawful for a minor under eighteen years  
14 of age to purchase any tobacco product [~~,~~] or vapor product, as  
15 [~~described under~~] defined in subsection [(1)-.] (5). This  
16 provision does not apply if a person under the age of eighteen,  
17 with parental authorization, is participating in a controlled



1 purchase as part of a law enforcement activity or a study  
2 authorized by the department of health under the supervision of  
3 law enforcement to determine the level of incidence of tobacco  
4 product or vapor product sales to minors.

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

15 (5) For purposes of this section:

16 "Tobacco product" means any product made or derived from  
17 tobacco that is intended for human consumption, including  
18 cigarettes, cigars, snuff, chewing or smokeless tobacco, smoking  
19 or pipe tobacco, and vapor products. "Tobacco product" shall  
20 not include any product that is regulated under chapter V of the  
21 Federal Food, Drug, and Cosmetic Act.



1       "Vapor product" means any noncombustible tobacco derived  
2 product containing nicotine that employs a mechanical heating  
3 element, battery, or circuit, regardless of shape or size, that  
4 can be used to heat a liquid nicotine solution contained in  
5 cartridges. "Vapor product" includes an electronic cigarette,  
6 electronic cigar, electronic cigarillo, and electronic pipe.  
7 "Vapor product" shall not include any product that is regulated  
8 under chapter V of the federal Food, Drug, and Cosmetic Act."

9       SECTION 2. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11       SECTION 3. This Act, upon its approval, shall take effect  
12 on July 1, 2013.

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**Report Title:**

Vapor Products; Tobacco Products; Electronic Cigarettes

**Description:**

Adds tobacco products and vapor products as items that are unlawful to sell or furnish to persons under eighteen years of age. Adds vapor products as an item that is unlawful for a person under eighteen years of age to purchase. Requires the additional listing of vapor products to sales prohibition signage. (SD1)

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