

JAN 18 2013

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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 the tobacco industry  
2 spends more than \$12,000,000,000 annually on advertising and  
3 marketing its products in the United States. Each year, tobacco  
4 companies spend over \$42,000,000 promoting their brands in  
5 stores throughout Hawaii. The National Cancer Institute has  
6 reported that the total weight of evidence from multiple studies  
7 demonstrates a causal relationship between tobacco advertising  
8 and promotion and increased tobacco use.

9           The legislature additionally finds that retail stores are  
10 given incentives to place tobacco advertisements and products in  
11 strategic locations near the cash register, known as a point-of-  
12 sale, or in self-service displays. Research indicates the  
13 presence of these products and advertisements may stimulate  
14 impulse purchases. Furthermore, a 2009 study found that  
15 frequent visits to stores selling tobacco and a greater  
16 awareness of cigarettes sold in stores increased the likelihood  
17 of teenagers being susceptible to initiating smoking,  
18 experimenting with smoking, or becoming smokers.



1           The legislature has a compelling interest in reducing the  
2 number of children and teens in Hawaii who smoke. The  
3 legislature finds that because of the documented connection  
4 between children and youth exposure to tobacco advertisements  
5 and youth tobacco initiation, regulations on the placement of  
6 cigarette and tobacco products is needed.

7           The purpose of this Act is to require cigarettes and  
8 tobacco products to be stored for sale behind a counter, except  
9 in certain establishments.

10          SECTION 2. Chapter 328J, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13          "§328J-       Placement of cigarettes and tobacco products.

14          (a) A person who owns, manages, operates, or otherwise controls  
15 any establishment where cigarettes or tobacco products are sold  
16 or offered for sale shall not sell, permit to be sold, offer for  
17 sale, or display for sale any cigarettes or tobacco products,  
18 unless the cigarettes or tobacco products are stored for sale  
19 behind a counter in an area accessible only to the personnel of  
20 the business.



1        (b) This section shall not apply to retail tobacco stores,  
2 bars, or any establishment for which the minimum age for  
3 admission is eighteen."

4        SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: John

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**Report Title:**

Tobacco; Tobacco Products; Placement

**Description:**

Requires cigarettes and tobacco products to be stored for sale behind a counter in certain establishments.

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