

JAN 23 2015

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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. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                   "PART       .    TOBACCO PRODUCTS; MINORS

5           §321-A Definitions. As used in this part:

6           "Electronic smoking device" means any electronic product  
7 that can be used to aerosolize and deliver nicotine or other  
8 substances to the person inhaling the device, electronic cigar,  
9 electronic cigarillo, or electronic pipe, and any cartridge or  
10 other component of the device or related product.

11          "Minor" means any person under the age of eighteen years.

12          "Possession" means knowingly having direct physical control  
13 at a given time or knowingly having the power and the intention,  
14 at a given time, to exercise dominion or control, including the  
15 actual use of the tobacco product.

16          "Tobacco product" means tobacco in any form, including an  
17 electronic smoking device, cigarettes, cigars, snuff, and



1 chewing tobacco, that is prepared or intended for consumption  
2 by, or the personal use of, humans.

3 §321-B Tobacco products; minors; possession or consumption  
4 prohibited. Possession or consumption of a tobacco product by a  
5 minor in a public place shall be prohibited.

6 §321-C Exemptions. This part shall not apply to:

7 (1) Any minor, with parental authorization, who is  
8 participating in a controlled purchase as part of a  
9 law enforcement activity or a study authorized by the  
10 department of health under the supervision of law  
11 enforcement to determine the level of incidence of  
12 tobacco sales to minors; or

13 (2) Possession of tobacco products by a minor in the  
14 course of delivery, pursuant to the direction of the  
15 minor's employer lawfully engaged in business  
16 necessitating the delivery.

17 §321-D Enforcement; rules. (a) An agent or employee of  
18 the department of health or a law enforcement officer who  
19 witnesses a minor in the act of violating section 321-B shall  
20 issue a citation to the minor; provided that the family court



1 shall be informed as provided in section 571-21(a) for  
2 appropriate proceedings under chapter 571.

3 (b) The department shall adopt rules under chapter 91 to  
4 effectuate this part, including the establishment of the amount  
5 of any administrative fine, community service requirements, and  
6 attendance at youth smoking education programs; provided that  
7 the parents or legal guardians of a minor child shall be jointly  
8 and severally liable for any administrative fine imposed under  
9 this part."

10 SECTION 2. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 3. In codifying the new sections added by section  
14 1 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*Lawrence R. Antese* *Shivier* *Don*



S.B. NO. 550

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# S.B. NO. 550

**Report Title:**

Tobacco Products; Prohibition of Possession or Consumption;  
Minors

**Description:**

Prohibits possession or consumption of tobacco products,  
including electronic smoking devices, by any person under  
eighteen years of age in public places.

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

