
A BILL FOR AN ACT

RELATING TO TOBACCO.

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

1 SECTION 1. Section 328J-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[f]~~ **§328J-16** ~~[t]~~ **Cigarette sales from vending machines,**
4 **self-service displays, and by lunch wagons prohibited.** (a) The
5 sale or distribution ~~[at no charge]~~ of cigarettes by the
6 following methods is prohibited:

7 (1) From cigarette vending machines, unless the vending
8 machine is located in a bar, cabaret, or any
9 establishment for which the minimum age for admission
10 is eighteen; ~~[or]~~

11 (2) From a lunch wagon engaging in any sales activity
12 within one thousand feet of any public or private
13 elementary or secondary school grounds ~~[or]~~; or

14 (3) From a self-service display, except a cigarette
15 vending machine as provided in this subsection.

16 (b) Violations of subsection (a), including placement of a
17 cigarette vending machine in a location other than a bar,



1 cabaret, or any establishment for which the minimum age for
2 admission is eighteen, are subject to a fine of up to [~~\$1,000~~
3 ~~per day for each violation.~~] \$ _____ for the first offense. Any
4 subsequent offenses at the same location within _____ shall
5 subject the person to a fine of not less than \$ _____ or more
6 than \$ _____.

7 (c) As used in this section:

8 "Cigarette vending machine" means a self-service device
9 that dispenses cigarettes, cigars, tobacco, or any other product
10 containing tobacco[-], except a vending machine that dispenses
11 cigarettes, cigars, tobacco, or any other product containing
12 tobacco through the operation of a device that requires a
13 salesperson to control the dispensation of the product.

14 "Lunch wagon" means a mobile vehicle designed and
15 constructed to transport food and from which food is sold to the
16 general public and includes but is not limited to manapua
17 trucks.

18 "Self-service display" means a display that contains
19 cigarettes and is located in an area openly accessible to
20 customers and from which customers can readily access cigarettes
21 without the assistance of a salesperson. A display case that



1 holds cigarettes from behind locked doors shall not constitute a
2 self-service display for purposes of this section.

3 "Sell" or "sale" means to solicit and receive an order for;
4 to have, keep, offer, or expose for sale; to deliver for value
5 or in any other manner than purely gratuitously; to peddle; to
6 keep with intent to sell; or to traffic in."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on January 1, 2010.



Report Title:

Self-Service Displays; Cigarettes

Description:

Prohibits sale of cigarettes from self-service displays. Defines "self-service displays". Clarifies definition of "cigarette vending machine". Changes amount of fine from \$1,000 per day to unspecified amounts for first and subsequent offenses. (HB527 HD2)

