
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 as follows:

3 1. By amending the title and subsection (a) to read as
4 follows:

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

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

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

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



1 2. By amending subsection (c) to read as follows:

2 "(c) As used in this section:

3 "Cigarette vending machine" means a self-service device
4 that dispenses cigarettes, cigars, tobacco, or any other product
5 containing tobacco[-], except a vending machine that dispenses
6 cigarettes, cigars, tobacco, or any other product containing
7 tobacco through the operation of a device that requires a
8 salesperson to control the dispensation of the product.

9 "Lunch wagon" means a mobile vehicle designed and
10 constructed to transport food and from which food is sold to the
11 general public and includes but is not limited to manapua
12 trucks.

13 "Self-service display" means a display that contains
14 cigarettes and other tobacco products and is located in an area
15 openly accessible to customers and from which customers can
16 readily access cigarettes and other tobacco products without the
17 assistance of a salesperson. A display case that holds
18 cigarettes from behind locked doors shall not constitute a self-
19 service display for purposes of this section.

20 "Sell" or "sale" means to solicit and receive an order for;
21 to have, keep, offer, or expose for sale; to deliver for value



1 or in any other manner than purely gratuitously; to peddle; to
2 keep with intent to sell; or to traffic in."

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 Statutory material to be repealed is bracketed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

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



Report Title:

Self-Service Displays; Cigarettes

Description:

Prohibits sale of cigarettes and all tobacco products from self-service displays. Defines "self-service displays". Clarifies definition of "cigarette vending machine". (SD1)

