

---

# A BILL FOR AN ACT

RELATING TO TOBACCO.

**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 also finds that restrictions on mass media  
10 advertising of tobacco have forced tobacco companies to use  
11 retail venues as the primary medium for marketing. Storefronts  
12 in Hawaii can act as billboards for tobacco companies,  
13 effectively capturing the attention of the State's youth.  
14 According to the 2007 Hawaii Youth Tobacco Survey, over seventy-  
15 six per cent of high school students and over seventy-one per  
16 cent of middle school students reported seeing tobacco product  
17 advertisements at local stores and gas stations.



1       The legislature further finds that the 2008 Tobacco and  
2 Alcohol Advertising Survey indicated that on average, a store  
3 displayed at least two outdoor advertisements and seventeen  
4 indoor advertisements for tobacco. Small stores with only one  
5 cash register had an average of twenty-four advertisements for  
6 tobacco and were more likely to have tobacco advertisements and  
7 products at the eye level of children, or near youth-friendly  
8 products, such as toys, ice cream, and chips.

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.

19       The legislature has a compelling interest in reducing the  
20 number of children and teens in Hawaii who smoke. The  
21 legislature finds that because of the documented connection  
22 between children and youth exposure to tobacco advertisements



1 and youth tobacco initiation, regulations on the place and  
2 manner of cigarette and tobacco products and advertisements are  
3 needed.

4 The purpose of this Act is to:

5 (1) Require cigarettes and tobacco products to be stored  
6 for sale behind a counter;

7 (2) Require advertisements that promote or encourage the  
8 purchase or use of cigarettes or tobacco products to  
9 be placed a minimum distance away from children's  
10 products, toys, cookies, candy, ice cream, gum, or  
11 snacks; and

12 (3) Require advertisements that promote or encourage the  
13 purchase or use of cigarettes or tobacco products to  
14 be placed a minimum number of feet off the floor.

15 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is  
16 amended by adding two new sections to be appropriately  
17 designated and to read as follows:

18 "§328J- Placement of cigarettes and tobacco products.

19 (a) A person who owns, manages, operates, or otherwise controls  
20 any place of employment where cigarettes or tobacco products are  
21 sold or offered for sale shall not sell, permit to be sold,  
22 offer for sale, or display for sale any cigarettes or tobacco



1 products, unless the cigarettes or tobacco products are stored  
2 for sale behind a counter in an area accessible only to the  
3 personnel of the business.

4 (b) This section shall not apply to retail tobacco stores,  
5 bars, or any establishment for which the minimum age for  
6 admission is eighteen.

7 §328J- Display of advertisements for cigarettes and  
8 tobacco products. (a) A person who owns, manages, operates, or  
9 otherwise controls any place of employment where cigarettes or  
10 tobacco products are sold or offered for sale shall not display  
11 any advertising that promotes or encourages the purchase or use  
12 of cigarettes or tobacco products within twenty-five feet of  
13 children's products or toys or within twenty-five feet of where  
14 cookies, candy, ice cream, gum, or snacks are sold.

15 (b) Advertisements that promote or encourage the purchase  
16 or use of cigarettes or tobacco products shall be displayed a  
17 minimum of four feet from the floor of any place of employment  
18 where cigarettes or tobacco products are sold or offered for  
19 sale.

20 (c) This section shall not apply to retail tobacco stores,  
21 bars, or any establishment for which the minimum age for  
22 admission is eighteen."



1 SECTION 3. New statutory material is underscored.

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

3

INTRODUCED BY:

Rosely H. Baker

J. L. M.

Phonnie Oum Aaklank

Clarence K. Fishier

David J. J.

Will E. J.

Mark L. J.

David J. J.

David J. J.



**Report Title:**

Tobacco; Tobacco Products; Advertisements

**Description:**

Requires cigarettes and tobacco products to be stored for sale behind a counter. Requires advertisements that promote or encourage the purchase or use of cigarettes or tobacco products to be placed twenty-five feet away from children's products, toys, cookies, candy, ice cream, gum, or snacks. Requires advertisements that promote or encourage the purchase or use of cigarettes or tobacco products to be placed four feet off the floor. Permits exceptions for retail tobacco stores, bars, or establishments where the minimum age for admission is eighteen.

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

