

JAN 20 2012

A BILL FOR AN ACT

RELATING TO ADVERTISING.

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

1 SECTION 1. Chapter 328J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§328J- Sale and advertising of tobacco products in
5 retail establishments. (a) Notwithstanding any other law to
6 the contrary, no tobacco or advertisements for tobacco shall be
7 located within a five-foot radius of a point-of-sale within a
8 retail establishment.

9 (b) For purposes of this section:

10 "Point-of-sale" means the physical location within a retail
11 establishment where the sale of goods to customers is
12 transacted.

13 "Retail establishment" means a retail store that sells
14 tobacco."

15 SECTION 2. Section 281-31, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) Class 4. Retail dealer license.



(1) A license to sell liquor at retail or to class 10 licensees shall authorize the licensee to sell the liquor therein specified in their original packages. Under a class 4 license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

~~[(1)]~~ (A) General (includes all liquor except alcohol);

~~[(2)]~~ (B) Beer and wine; and

~~[(3)]~~ (C) Alcohol.

(2) It shall be unlawful for a class 4 licensee to display or locate any alcohol within a five-foot radius of a point-of-sale within the licensed premises.

(3) For purposes of paragraph (2), "point-of-sale" means the physical location within the licensed premises where the sale of goods to customers is transacted."

SECTION 3. Section 281-44, Hawaii Revised Statutes, is amended to read as follows:

"§281-44 Advertisements and signs upon licensed premises.

(a) All licensed premises shall post a sign in or about the premises containing and notifying all customers and other persons of the possible sanctions that may be imposed for



1 operating a vehicle under the influence of an intoxicant under
2 sections 291E-41 and 291E-61. The sign shall be conspicuously
3 positioned in order to be seen by an ordinarily observant
4 person.

5 (b) The liquor commission may prescribe the character and
6 extent of all other advertisements, posters, or signs which may
7 be posted or maintained in or about the licensed premises[-];
8 provided that no advertisements, posters, or signs for alcohol
9 shall be located within a five-foot radius of a point-of-sale
10 within the licensed premises of a class 4 licensee.

11 (c) For purposes of subsection (b), "point-of-sale" means
12 the physical location within the licensed premises where the
13 sale of goods to customers is transacted."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Shiranne Chun Oakland

Chris Johnson

White

Randy H. Baker



S.B. NO. 2600

Report Title:

Tobacco and Intoxicating Liquor Sales and Advertisements

Description:

Prohibits the location, display, and advertising of tobacco and intoxicating liquors within 5 feet from the point-of-sale in stores.

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

