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# A BILL FOR AN ACT

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RELATING TO HEALTH.

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

1           SECTION 1.   Section 709-908, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§709-908   Tobacco and electronic smoking devices  
4 ~~[prohibited; minors.]~~; persons under twenty-one years of age.

5       (1)   From July 1, 2015, to June 30, 2018, it shall be unlawful  
6 to sell or furnish tobacco in any shape or form, including  
7 chewing tobacco and snuff, or an electronic smoking device to a  
8 person born after June 30, 1997.

9       ~~[(1) — It]~~ (2)   After June 30, 2018, it shall be unlawful to  
10 sell or furnish tobacco in any shape or form, including chewing  
11 tobacco and snuff, or an electronic smoking device to a [minor]  
12 person under [eighteen] twenty-one years of age.

13       (3)   From July 1, 2015, to June 30, 2018, signs using the  
14 statement, "The sale of tobacco products to persons born after  
15 June 30, 1997, is prohibited", shall be posted on or near any  
16 vending machine in letters at least one-half inch high and at or  
17 near the point of sale of any other location where tobacco



1 products or electronic smoking devices are sold in letters at  
2 least one-half inch high.

3 ~~[(2) Signs]~~ (4) After June 30, 2018, signs using the  
4 statement, "The sale of tobacco products or electronic smoking  
5 devices to persons under ~~[eighteen]~~ twenty-one is prohibited",  
6 shall be posted on or near any vending machine in letters at  
7 least one-half inch high and at or near the point of sale of any  
8 other location where tobacco products or electronic smoking  
9 devices are sold in letters at least one-half inch high.

10 ~~[(3)]~~ (5) It shall be unlawful for a ~~[minor]~~ person under  
11 ~~[eighteen]~~ twenty-one years of age to purchase any tobacco  
12 product, as described under subsection ~~[(1),]~~ (2), or an  
13 electronic smoking device, as described under subsection ~~[(5).]~~  
14 (7). This provision does not apply if a person ~~[under]~~:

15 (a) Under the age of ~~[eighteen,]~~ twenty-one, with parental  
16 authorization, is participating in a controlled  
17 purchase as part of a law enforcement activity or a  
18 study authorized by the department of health under the  
19 supervision of law enforcement to determine the level  
20 of incidence of tobacco or electronic smoking devices  
21 sales to minors ~~[-]~~; or



1        (b) Was eighteen years of age or older on or before June  
2                30, 2015.

3        ~~[-(4)-]~~ (6) Any person who violates subsection (1) ~~[or]~~,  
4        (2), ~~[or both,]~~ (3), or (4) shall be fined \$500 for the first  
5        offense. Any subsequent offenses shall subject the person to a  
6        fine not less than \$500 nor more than \$2,000. Any ~~[minor under~~  
7        ~~eighteen years of age]~~ person who violates subsection ~~[-(3)-]~~ (5)  
8        shall be fined \$10 for the first offense. Any subsequent  
9        offense shall subject the violator to a fine of \$50, no part of  
10       which shall be suspended, or the person shall be required to  
11       perform not less than forty-eight hours nor more than seventy-  
12       two hours of community service during hours when the person is  
13       not employed and is not attending school.

14       ~~[-(5)-]~~ (7) For the purposes of this section:

15       "Electronic smoking device" means any electronic product  
16       that can be used to ~~[simulate smoking in the delivery of]~~  
17       vaporize and deliver nicotine or other substances to the person  
18       inhaling from the device~~[7]~~ including, but not limited to, an  
19       electronic cigarette, electronic cigar, electronic cigarillo, or  
20       electronic pipe, and any cartridge or other component of the  
21       device or related product."



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

3       SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Tobacco; Cigarettes; Minors

**Description:**

Increases the age in which one can purchase tobacco or electronic smoking devices from 18 to 21 years of age. Prohibits the sale or furnishing of tobacco or electronic smoking devices to persons under 21 years of age. Provides exceptions for those currently 18 to 21 years of age. Effective July 1, 2050. (HB2133 HD1)

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

