
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 density of
2 tobacco retailers around schools has a significant impact on the
3 prevalence of youth tobacco use. A 2008 study by L. Henriksen,
4 et al., found that the incidence of smoking was significantly
5 higher among students in schools with the highest density of
6 surrounding tobacco retailers compared with students in schools
7 without any tobacco retailers nearby.

8 The legislature further finds that electronic smoking
9 devices are especially popular among youth, surpassing
10 cigarettes as the most commonly used tobacco product. The 2015
11 Hawaii Youth Risk Behaviors Survey found that twenty-five per
12 cent of high school students and fifteen per cent of middle
13 school students reported using electronic vapor products in the
14 thirty days preceding the survey. The popularity of these
15 devices is concerning, as electronic smoking devices are not
16 safe alternatives to other tobacco products, and exposure to



1 nicotine increases the risk of addiction and may disrupt
2 critical brain development.

3 The legislature recognizes that tobacco advertising and
4 retailers suggest that smoking is acceptable, and youth and
5 children are particularly susceptible to these cues. Tobacco
6 and electronic smoking device manufacturers employ tactics that
7 appeal to youth, such as child-friendly flavors, celebrity
8 endorsements, and high-tech design. The tobacco industry spends
9 \$24,300,000 on marketing per year in Hawaii. In addition, the
10 electronic smoking device industry spent an estimated
11 \$115,000,000 on marketing in 2014, a nearly 1,700 per cent
12 increase from 2011. Youth who walk or take public
13 transportation to school may be exposed to advertising of
14 tobacco products and electronic smoking devices at locations
15 such as convenience stores, grocery stores, and gas stations.

16 The legislature further finds that several cities in
17 California and New York have implemented tobacco retail buffer
18 zones, ranging from three hundred to fifteen hundred feet, where
19 sales of tobacco products and permits for tobacco retailers are
20 prohibited within a certain proximity to schools, parks,
21 libraries, and other youth-oriented areas. Tobacco retail



1 buffer zones encourage responsible tobacco retailing, reduce
2 tobacco-related health disparities, and most importantly, reduce
3 youth tobacco use, especially the use of electronic smoking
4 devices.

5 The purpose of this Act is to reduce the use of, access to,
6 and exposure to tobacco products by youth by prohibiting the
7 issuance and renewal of retail tobacco permits for, and the sale
8 of a tobacco product or an electronic smoking device at, a place
9 of business within five hundred feet of preschools, schools, and
10 public playgrounds.

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

14 "§328J- Tobacco products and electronic smoking
15 devices; prohibited locations. (a) It shall be unlawful to
16 sell a tobacco product or an electronic smoking device at a
17 place of business located within five hundred feet of a public
18 or private preschool; a public or private elementary,
19 intermediate, or high school; or public playground utilized
20 extensively by minors. The distance of five hundred feet shall
21 be measured from the boundary of the preschool, school, or a



1 public playground to the boundary of the place of business'
2 premises. Public or private beaches and public or private day
3 care centers located in or adjacent to commercial areas shall
4 not be deemed schools or public playgrounds for purposes of this
5 subsection. Vocational or licensing schools, or other schools
6 attended primarily by adults, shall not be considered schools
7 for the purposes of this subsection.

8 (b) Any person who violates this section shall be fined
9 \$500 for the offense and no less than \$500 and no more than
10 \$2,000 for each subsequent offense. Each day a violation
11 continues shall constitute a separate offense.

12 (c) For purposes of this section:

13 "Electronic smoking device" shall have the same meaning as
14 in section 712-1258.

15 "Tobacco product" shall have the same meaning as in section
16 712-1258.

17 "To sell" shall have the same meaning as in section 712-
18 1257."

19 SECTION 3. Section 245-2.5, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) The retail tobacco permit shall be issued by the
2 department upon application by the retailer in the form and
3 manner prescribed by the department, and the payment of a fee of
4 \$20 [-]; provided that the place of business for which the permit
5 is sought shall not be within five hundred feet of a public or
6 private preschool; a public or private elementary, intermediate,
7 or high school; or a public playground utilized extensively by
8 minors. Permits shall be valid for one year, from December 1 to
9 November 30, and renewable annually [-]; provided that the
10 department shall not renew a permit for a place of business that
11 is located within five hundred feet of a public or private
12 preschool; a public or private elementary, intermediate, or high
13 school; or a public playground utilized extensively by minors,
14 for any period beginning after November 30, 2019. Whenever a
15 retail tobacco permit is defaced, destroyed, or lost, or the
16 permittee relocates the permittee's business, the department may
17 issue a duplicate retail tobacco permit to the permittee for a
18 fee of \$5 per copy. The distance of five hundred feet shall be
19 measured from the boundary of the preschool, school, or public
20 playground to the boundary of the place of business' premises.
21 Public or private beaches, and public or private day care



1 centers located in or adjacent to commercial areas shall not be
2 deemed schools or public playgrounds for purposes of this
3 subsection. Vocational or licensing schools, or other schools
4 attended primarily by adults, shall not be considered schools
5 for the purposes of this subsection."

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2050;
12 provided that section 2 shall take effect on December 1, 2051.



Report Title:

Tobacco; Electronic Smoking Devices; Tobacco Retailer Buffer Zones; Keiki Caucus

Description:

Prohibits the issuance and renewal beyond 11/30/2019, of retail tobacco permits for businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Beginning on 12/1/2019, prohibits the sale of tobacco products and electronic smoking devices by businesses that are located within 500 feet of a preschool, school, or certain public playgrounds. Effective 7/1/2050. (SD2)

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

