

JAN 17 2025

A BILL FOR AN ACT

RELATING TO SPRAY PAINT.

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

1 SECTION 1. The legislature finds that graffiti is a
2 persistent problem in the State. Graffiti defaces the
3 environment and the cityscape. Covering over or removing
4 graffiti on public and private property requires considerable
5 expenditure of time and resources, and the result still does not
6 look aesthetically pleasing without a complete paint-over.
7 Removal of graffiti from rock formations and other places sacred
8 and important to Native Hawaiians, such as the Waianae mountain
9 range on Oahu, may require significantly altering the
10 environment.

11 The legislature further finds that even though graffiti
12 abatement groups reclaim tagged areas with fresh paint and
13 police make arrests for vandalism, taggers remain undeterred.
14 Taggers prefer cans of spray paint since cans are easily
15 portable and convenient to use. When an otherwise legal product
16 is too often co-opted for illegal uses, it is incumbent upon the
17 State to restrict the sales of that product.



1 The purpose of this Act is to regulate the retail
2 over-the-counter sales of canned spray paint.

3 SECTION 2. The Hawaii Revised Statutes is amended by
4 adding a new chapter to be appropriately designated and to read
5 as follows:

6 **"CHAPTER**

7 **SALES OF SPRAY PAINT**

8 **§ -1 Definitions.** As used in this chapter:

9 "Aerosol" means particles of liquid or solid dispersed as a
10 suspension of gas.

11 "Department" means the department of law enforcement.

12 "Retailer" means any person who offers spray paint for sale
13 directly to the general public through any means, including
14 sales outlets, catalogs, or the Internet. The term "retailer"
15 includes a seller.

16 "Spray paint" means a can of paint used to spray the
17 contents of paint onto a surface by means of aerosol.

18 "Wholesaler" means a person who distributes spray paint to
19 retailers.

20 **§ -2 Administration of chapter.** The department shall be
21 responsible for the administration and enforcement of this



1 chapter. The department shall adopt rules pursuant to chapter
2 91 necessary for purposes of this chapter.

3 **§ -3 Restriction on purchases of spray paint.** (a) No
4 person who is under the age of eighteen may purchase a can of
5 spray paint.

6 (b) A retailer selling spray paint at a sales outlet shall
7 restrict the display of spray paint to an area of the outlet not
8 accessible by customers or the general public, such as behind
9 the counter or in a locked display case and where the seller
10 delivers the product directly into the custody of the purchaser.
11 A retailer under this subsection may have empty spray paint cans
12 on shelves within the sales outlet for customers to examine.

13 (c) Any person purchasing any spray paint shall produce
14 proper identification containing the photograph, date of birth,
15 printed name, signature, and address of the individual
16 purchasing the spray paint.

17 (d) The seller shall record, in an electronic log on
18 software provided by the department:

19 (1) The date of any transaction to purchase spray paint;

20 (2) The name, address, and date of birth of the purchaser;



(3) The type of identification, and the issuing agency of the identification, provided by the purchaser; and

(4) The brand name, colors, sizes, and quantities of spray paint purchased.

The retailer shall electronically transmit the entries in the electronic log to the department, not less frequently than once per month. The retailer shall maintain the entries in the electronic log for not less than two years after the date of the transaction.

§ -4 Additional responsibilities of retailer. (a) A retailer shall be required to be registered to sell spray paint with the department no later than . A failure to comply with this subsection shall result in a fine of \$100 per each day of the violation.

(b) A retailer shall pay a registration fee to the department, in an amount determined by the department to be sufficient to cover the incremental and prorated cost to the department for the software as may be required to implement this chapter.

§ -5 Civil fines. A retailer who sells spray paint in violation of this section shall be fined:



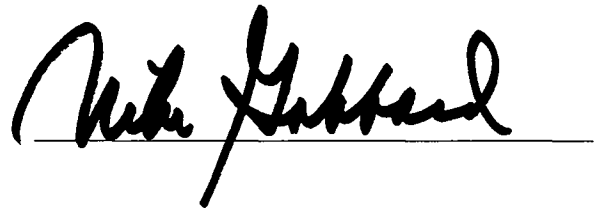
- 1 (1) \$500 for each can of spray paint sold, up to ten cans;
2 and
3 (2) \$1,000 for each can of spray paint sold that is over
4 the amount of ten cans.

5 § -6 **Responsibility of wholesalers.** A wholesaler shall
6 report to the department on all sales made of spray paint made
7 to retailers, not less than once a month. The report shall be
8 made on forms as provided by the department; provided that the
9 form shall include, at minimum, the following information:

- 10 (1) Name and address of the wholesaler;
11 (2) Name and address of the retailer;
12 (3) Brand names and quantity sold of each brand of spray
13 paint; and
14 (4) Date of sales to retailers."

15 SECTION 3. This Act shall take effect upon its approval.

16 INTRODUCED BY:



S.B. NO. 692

Report Title:

DLE; Spray Paint Sales

Description:

Regulates the retail and wholesale sales of spray paint.

Designates the Department of Law Enforcement with jurisdiction.

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

