

ACT 293

H.B. NO. 46

A Bill for an Act Relating to Tobacco Products.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds cigarette smoking is hazardous to health. Smoking is directly linked as a cause of such serious health conditions as heart and cardiovascular diseases; lung and respiratory diseases; increased incidences of miscarriage, birth defects, and low birthweight babies born to many mothers who smoke; and many types of cancers. In addition to harming themselves, smokers cause health hazards to non-smokers present in confined areas. It is also well documented that smokeless tobacco products such as snuff and chewing tobacco are associated with oral cancer.

The use of tobacco products is the single most important preventable cause of death and illness in our country. Furthermore, evidence strongly indicates that the earlier a person begins to smoke as a teenager, the less likely that person is to quit smoking as an adult and the more likely that person is to continue through life as a heavy smoker. According to best available estimates, between fifteen per cent and twenty per cent of young people in Hawaii's intermediate and high schools now smoke.

The purpose of this Act is to reduce the number of children and youth who now smoke and to prevent young people who do not yet smoke from taking up the habit.

SECTION 2. Section 445,¹ Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§445- Signs. Signs using the statement, "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN IS PROHIBITED", shall be posted on or near any vending machine in letters at least one-half inch high and at any other location where tobacco products are sold in letters at least one inch high."

SECTION 3. Section 445-212, Hawaii Revised Statutes, is amended to read as follows:

"§445-212 Not to sell to minors. It shall be unlawful to sell or furnish tobacco in any shape or form [whatsoever], including chewing tobacco and snuff, to [minors] persons under the age of [fifteen] eighteen years. It shall

likewise be unlawful for persons under the age of eighteen years to purchase such tobacco products."

SECTION 4. Section 445-213, Hawaii Revised Statutes, is amended to read as follows:

"§445-213 Penalty. Any person violating section 445-212 shall be fined not more than \$100[, and if the offense is committed by any dealer licensed to sell tobacco the dealer after the second offense shall forfeit the dealer's license.] for the first offense. Any subsequent offenses shall subject the person to a fine not less than \$100 nor more than \$1,000. Any person under the age of eighteen violating section 445-212 shall be fined \$10 for the first offense. Any subsequent offense shall subject the violator to a fine of \$50, no part of which shall be suspended, or the person shall be required to perform not less than forty-eight hours nor more than seventy-two hours of community service during hours when the person is not employed and is not attending school."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect on January 1, 1988.

(Approved June 25, 1987.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.