

## ACT 253

S.B. NO. 1567

A Bill for an Act Relating to Tobacco Products.

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

SECTION 1. The legislature finds that children are very susceptible to the prominence and accessibility of vending machines and that while it is against the law for a minor to purchase tobacco products through vending machines, many of those vending machines are left unattended and the lack of supervision of these vending machines may encourage minors to break the law whether knowingly or unknowingly. In addition, cigarette vending machines are estimated by the National Automatic Merchandising Association study to account for sixteen per cent of illegal cigarette sales to minors, and the younger the children are, the more likely they are to purchase from a vending machine. Currently Maine, Massachusetts, Alaska, and Utah have restrictions on the sale of cigarettes from vending machines. Sixteen municipalities in Minnesota recently banned cigarette vending machines entirely. Sale of alcohol is not legal via vending machines; tobacco is a controlled substance, therefore should have the same general restriction.

The legislature finds also that there are areas from which minors are restricted, and therefore not allowed easy access. These areas should not be subject to the general ban on vending machines. The tobacco industry has often claimed that they do not wish to focus their promotion of cigarettes towards minors, and therefore should not object to efforts to control the access of tobacco to minors.

The purpose of this bill is to provide a uniform statewide code to regulate the dispensing of cigarettes and other tobacco products from vending machines.

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

**“§328K- Cigarette vending machines.** (a) The sale of cigarettes from vending machines is prohibited unless the vending machine is located in a bar, cabaret, or any establishment for which the minimum age for admission is eighteen.

(b) Violations of subsection (a), including placement of a cigarette vending machine in a location other than a bar, cabaret, or any establishment for which the minimum age for admission is eighteen, are subject to a fine of up to \$1,000 per day for each violation.

(c) As used in this section, “cigarette vending machine” means a self-service device that dispenses cigarettes, cigars, tobacco, or any other product containing tobacco.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 1992.

(Approved June 12, 1991.)

**Note**

1. Edited pursuant to HRS §23G-16.5.