



A BILL FOR AN ORDINANCE

RELATING TO PRODUCTS FOR SMOKING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the distribution and purchase of electronic smoking devices and tobacco products.

SECTION 2. Chapter 40, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Distribution and Purchase of Electronic Smoking Devices and Tobacco Products

Sec. 40-__ .1 Prohibition.

(a) It shall be unlawful to distribute:

- (1) Tobacco products in any shape or form, including chewing tobacco or snuff, to a person who is 18 to 20 years of age.
- (2) Electronic smoking devices in any shape or form, to a person who is 18 to 20 years of age; and

This subsection does not apply to a person, who is 18 years of age or older before or on December 31, 2014, and at such time could be a lawful recipient of a tobacco product or an electronic smoking device.

(b) It shall be unlawful for a person who is 18 to 20 years of age to purchase:

- (1) Any tobacco product, in any shape or form, including chewing tobacco and snuff; or
- (2) Any electronic smoking device, in any shape or form.

(c) Subsection (b) does not apply if a person who is 18 to 20 years of age is participating in a controlled purchase as part of a law enforcement activity.

(d) A person who distributes tobacco products or electronic smoking devices shall verify the proof of age of the recipient or purchaser through a valid state or federally issued identification card.



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(e) For purposes of this section:

"Distribute" means to give, deliver or sell, or cause or hire any person to give, deliver or sell, or offer to give, deliver or sell.

"Electronic smoking device" means any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including cigarettes, cigars, snuff, chewing or smokeless tobacco, smoking or pipe tobacco, and any electronic smoking device. "Tobacco product" does not include any product specifically approved by the United States Food and Drug Administration for legal sale as a tobacco cessation product that is being marketed and sold solely for that approved purpose.

Sec. 40-__2 Posted signs required.

- (a) As of January 1, 2015, every person who sells or displays tobacco products or electronic smoking devices shall post conspicuously and keep so posted at the place of business at each point of sale a sign which states: "Within the City and County of Honolulu, the sale of tobacco and electronic smoking devices to persons under the age of twenty-one years of age is prohibited," in letters at least one-half inch high.
- (b) Any person failing to post a notice in compliance with this section shall be subject to a fine of \$100 for the first offense, \$250 for the second offense, and \$500 for the third and all subsequent offenses.

Sec. 40-__3 Violations and penalties.

Any person who violates Sec. 40- __.1(a) or (d), or both, shall be fined \$500 for the first offense. Any subsequent violations of those subsections shall subject the person to a fine of not less than \$500 and no more than \$2,000. Any person under twenty-one years of age who violates Sec. 40- __.1(b) shall be fined \$10 for the first offense. Any subsequent violation of Sec. 40-__1(b) 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 and no more than seventy-two hours of community service during hours when the person is not employed and is not attending school."



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SECTION 3. This ordinance takes effect on January 1, 2015.

INTRODUCED BY:

Stanley Chang

Ernest Martin

DATE OF INTRODUCTION:

July 24, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu