
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the tobacco industry
2 spends more than \$12,000,000,000 annually on advertising and
3 marketing its products in the United States. Each year, tobacco
4 companies spend over \$42,000,000 promoting their brands in
5 stores throughout Hawaii. The National Cancer Institute has
6 reported that the total weight of evidence from multiple studies
7 demonstrates a causal relationship between tobacco advertising
8 and promotion and increased tobacco use.

9 The legislature additionally finds that retail stores are
10 given incentives to place tobacco advertisements and products in
11 strategic locations near the cash register, known as a point-of-
12 sale, or in self-service displays. Research indicates the
13 presence of these products and advertisements may stimulate
14 impulse purchases. Furthermore, a 2009 study found that
15 frequent visits to stores selling tobacco and a greater
16 awareness of cigarettes sold in stores increased the likelihood
17 of teenagers being susceptible to initiating smoking,
18 experimenting with smoking, or becoming smokers.



1 The legislature has a compelling interest in reducing the
2 number of children and teens in Hawaii who smoke. The
3 legislature finds that because of the documented connection
4 between children and youth exposure to tobacco advertisements
5 and youth tobacco initiation, regulations on the placement of
6 cigarette and tobacco products is needed.

7 The purpose of this Act is to require cigarettes and
8 tobacco products to be stored for sale behind a counter, except
9 in certain establishments.

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

13 "§328J- Placement of cigarettes and tobacco products.

14 (a) A person who owns, manages, operates, or otherwise controls
15 any establishment where cigarettes or tobacco products are sold
16 or offered for sale shall not sell, permit to be sold, offer for
17 sale, or display for sale any cigarettes or tobacco products,
18 unless the cigarettes or tobacco products are stored for sale
19 behind a counter in an area accessible only to the personnel of
20 the business.



1 (b) This section shall not apply to retail tobacco stores,
2 bars, or any establishment for which the minimum age for
3 admission is eighteen."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2013



H.B. NO. 722

Report Title:

Tobacco; Tobacco Products; Placement

Description:

Requires cigarettes and tobacco products to be stored for sale behind a counter in certain establishments.

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