

- (2) Purchase liquor or another product purchasable only by persons of a minimum age.
An "unofficial age identification card with a false birth date" means an unofficial age identification card, the birth date on which is not that of the person who uses or attempts to use the card.
The prohibition of this subsection applies even if the unofficial age identification card includes the disclaimer required under Section 40-17.2.
- (b) Subsection (a) shall not apply when the use of a particular unofficial age identification card with a false birth date also constitutes a violation of a state law prohibiting the use of a fraudulent government document. By this subsection, the council intends to avoid a conflict with the state law.
- (c) A person who violates this section shall be subject for each violation to a maximum \$2,000.00 fine; provided that, if the person is subject to the jurisdiction of the family court pursuant to HRS Section 571-11(1), the punishment shall be established by that court.
- (Added by Ord. 99-66)

Article 18. Bidi Cigarette Prohibitions

Sections:

- 40-18.1 Definitions.**
- 40-18.2 Prohibition.**
- 40-18.3 Violation--Penalties.**

Sec. 40-18.1 Definitions.

"Bidi cigarette" means a product that contains tobacco that is wrapped in temburni or tendu leaf. (Added by Ord. 00-23)

Sec. 40-18.2 Prohibition.

No person shall sell, give or barter away, or in any way furnish to any other person a bidi cigarette. (Added by Ord. 00-23)

Sec. 40-18.3 Violation--Penalties.

Any person who violates Section 40-18.2 shall be fined not more than \$500.00 for the first offense. Any subsequent offenses shall subject the person to a fine of not less than \$500.00 nor more than \$1,000.00.

A police officer may arrest an alleged violator of this article or may issue a citation in lieu of arrest as provided in HRS Section 803-6.

(Added by Ord. 00-23)

Article 19. Advertisement of Intoxicating Liquor and Liquor Products

Sections:

- 40-19.1 Definitions.**
- 40-19.2 Prohibition.**
- 40-19.3 Exceptions.**
- 40-19.4 Citation--Penalties.**

Sec. 40-19.1 Definitions.

As used in this article:

"Advertisement" means any poster, banner, sticker, emblem, placard, graphic illustration or sign, including any neon, electronically charged or portable freestanding sign, used to publicize any intoxicating liquor or liquor product to the general public or promote the sale of any intoxicating liquor or liquor product to the general public.

"Business" means any person or entity engaged in a retail operation that offers liquor or any liquor product for sale to any member of the general public for consumption or use.

"Enforcement officer" means any officer of the Honolulu police department or deputized by the Honolulu police department to enforce this article.

"Intoxicating liquor" means the same as "liquor."

"Liquor" means the same as defined in HRS Section 281-1, but does not include those articles excepted under Section 281-2, HRS.

"Liquor product" means a food product, including a confection, that contains alcohol in excess of five percent by weight.

"Public property" includes any street, sidewalk, public mall, any public or private park, any public or private school ground and any property that is owned or controlled by the federal, state or city government or any agency thereof.

"Publicly visible location" means a place inside or outside of a commercial building, including the exterior walls of the building and the exterior and interior of a display window of the building, that is visible to the general public from public property.

"School zone" means every street and all other property within 500 feet of the boundaries of any public or private primary or secondary school and any preschool licensed by the state department of human services.

"Street" means the same as defined in Section 29-1.1.

(Added by Ord. 00-50)

Sec. 40-19.2 Prohibition.

Except as provided in Section 40-19.3, it is unlawful for any person to display a liquor or liquor product advertisement in a publicly visible location within a school zone. (Added by Ord. 00-50)

Sec. 40-19.3 Exceptions.

The following shall be exceptions to Section 40-19.2:

- (a) The placement of an advertisement for liquor or a liquor product inside of a retail business establishment where the product is offered for sale to the general public, provided that the advertisement is not in a publicly visible location.
- (b) The operation or legal parking within a school zone of a vehicle that has permanently painted on or affixed to the vehicle any sign, graphics or lettering relating to the name, trade insignia or trademark of a liquor or liquor product, to the extent permitted in Section 41-14.3.
- (c) The placement of any advertisement for liquor or liquor product in or upon a federal or state building or facility located within a school zone.
- (d) The placement of any advertisement in or on the premises of a licensed liquor establishment to the extent expressly permitted pursuant to duly adopted rules of the liquor commission or expressly stated under a license issued by the liquor commission.
- (e) The placement of any material in a newspaper or magazine of general circulation.

(Added by Ord. 00-50; Am. Ord. 01-08)

Sec. 40-19.4 Citation--Penalties.

- (a) Upon finding probable cause to believe that there has been a violation of this article, an enforcement officer may either arrest the person believed to be in violation or may issue to that person a summons and citation for the violation. The citation shall be consistent with the requirements of HRS Section 803-6(b).
- (b) Any person who violates this article shall be fined not more than \$500. Following a person's conviction of a violation of this article, each day an advertisement is displayed in violation of this article shall be deemed a separate violation.

(Added by Ord. 00-50)

Article 20. Herbal Cigarettes

Sections:

40-20.1 Definitions.

40-20.2 Sale of herbal cigarettes to minors prohibited.

40-20.3 Signs--Minors.

40-20.4 Violations and penalties.

Sec. 40-20.1 Definitions.

"Herbal cigarette" means a cigarette that is composed of one or more herbs or other plants and is not a tobacco product. (Added by Ord. 00-60)

Sec. 40-20.2 Sale of herbal cigarettes to minors prohibited.

It shall be unlawful for any person to sell, give or barter away, or in any way furnish herbal cigarettes to an individual under eighteen years of age. (Added by Ord. 00-60)

Sec. 40-20.3 Signs--Minors.

Signs using the statement "The sale of herbal cigarettes to persons under eighteen is prohibited," shall be posted on

