

Section 14-135. Declaratory and injunctive relief.

A court of competent jurisdiction may hear proceedings for declaratory relief or injunctive relief, or both, for violations or potential violations of this article. To the extent permitted by law, the person found in violation of this article shall be responsible for all costs of investigation and testing, as well as for court costs, including, but not limited to, attorney's fees, witness fees, and witness expenses.

(2013, Ord. No. 13-121, sec. 3.)

Section 14-136. Cumulative remedies.

The provisions of this article are cumulative. Nothing in this article shall affect any other remedy or relief that may be available to any adversely affected person or to the County or other governmental entity.

(2013, Ord. No. 13-121, sec. 3.)

Article 23. Distribution of Tobacco Products.**Section 14-137. Definitions.**

As used in this article:

“Department” means the Hawai‘i police department.

“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.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, factor, or any other personal representative thereof, on any capacity, acting either for himself or for any other person, under personal appointment or pursuant to law.

“Proof of age” means a driver’s license, license for identification only, or other generally accepted means of identification with a photograph of the individual affixed thereon that indicates that the individual is twenty one years of age or older or was born before or on June 30, 1996.

“Tobacco product” means any product that contains tobacco and is intended for human consumption or use, including, but not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and electronic smoking devices as defined in section 709-908 of the Hawai‘i Revised Statutes. Tobacco product does not include products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and are marketed and sold solely for such an approved purpose.

(2013, Ord. No. 13-124, sec. 1.)

Section 14-138. Prohibition; verification of age; penalties.

- (a) It is unlawful for any person to distribute a tobacco product to any person under twenty one years of age, with the exception of any person who is eighteen years of age or older before or on June 30, 2014, and at such time could be a lawful recipient of a tobacco product.
- (b) A person who distributes tobacco products shall verify proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be less than twenty seven years of age.
- (c) Any person who violates this section shall be subject to a fine of \$500 for the first offense. Any subsequent offenses shall subject the person to a fine of not less than \$500 nor more than \$2,000.

(2013, Ord. No. 13-124, sec. 1.)

Section 14-139. Posted signs required.

- (a) From July 1, 2014, through June 30, 2017, every person who sells or displays tobacco products shall post conspicuously and keep so posted at the place of business at each point of sale a sign which states, “The sale of tobacco products to persons born after June 30, 1996 is prohibited,” in letters at least one-half inch high.