

UNCLAS

NAVADMIN 298/15

MSGID/NAVADMIN/CNO WASHINGTON DC/DNS/DEC//

SUBJ/NOTICE OF HAWAII RAISING SMOKING AGE TO 21 EFFECTIVE 1 JAN 16//

REF/A/SECTION 321-A, HAWAII REVISED STATUTES//

REF/B/SECTION 321-B, HAWAII REVISED STATUTES//

REF/C/SECTION 321-C, HAWAII REVISED STATUTES//

REF/D/SECTION 709-908, HAWAII REVISED STATUTES//

RMKS/1. EFFECTIVE 1 JAN 16, HAWAII WILL AMEND REFS A THROUGH D TO RAISE THE MINIMUM AGE TO PURCHASE, POSSESS, OR CONSUME, AND FOR THE SALE OR FURNISHING OF TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES AND SMOKELESS TOBACCO, FROM 18 TO 21 YEARS OF AGE.

SPECIFICALLY, THE HAWAII REVISED STATUTES : 1) PROHIBIT THE POSSESSION OR CONSUMPTION OF A TOBACCO PRODUCT BY PERSONS UNDER 21 IN A PUBLIC PLACE; 2) ESTABLISH THAT ANY PERSON UNDER 21 WHO VIOLATES THE LAW SHALL BE FINED OR BE REQUIRED TO PERFORM COMMUNITY SERVICE HOURS (MONETARY FINES OF \$10-\$50; SERVICE HOURS OF NOT LESS THAN 48 AND NO MORE THAN 72); 3) MAKE IT UNLAWFUL TO SELL OR FURNISH A TOBACCO PRODUCT TO A PERSON UNDER 21; 4) MAKE IT UNLAWFUL FOR A PERSON UNDER 21 TO PURCHASE A TOBACCO PRODUCT; AND 5) IMPOSE LARGER FINES (MONETARY FINES OF \$500-\$2000) ON ANY PERSON WHO SELLS OR FURNISHES A TOBACCO PRODUCT TO A PERSON UNDER 21.

2. VIRTUALLY ALL OF U.S. NAVY-OWNED OR CONTROLLED REAL PROPERTY LOCATED IN THE STATE OF HAWAII IS SUBJECT TO CONCURRENT JURISDICTION. AS A CONSEQUENCE, HAWAII STATE LAW, CIVIL AND CRIMINAL STATUTES, APPLY ON JOINT BASE PEARL HARBOR-HICKAM (JBPHH), PACIFIC MISSILE RANGE FACILITY (PMRF), AND OTHER NAVY-OWNED OR CONTROLLED REAL PROPERTY IN HAWAII. NAVY PERSONNEL, DEPENDENTS, FAMILY MEMBERS, RESIDENTS, AND GUESTS ON NAVY INSTALLATIONS AND FACILITIES ARE ALREADY EXPECTED TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS. HAWAII STATE AND LOCAL POLICE HAVE AUTHORITY TO ENFORCE STATE LAW IN AREAS OF CONCURRENT JURISDICTION.

3. NAVY MILITARY PERSONNEL, WHETHER ON-DUTY OR OFF-DUTY, SHALL RESPECT AND COMPLY WITH HAWAII'S NEW TOBACCO LAWS. PERSONNEL CITED BY STATE AND LOCAL POLICE FOR VIOLATIONS OF HAWAII'S NEW TOBACCO LAWS ARE SUBJECT TO FINES AND COMMUNITY SERVICE AS SPECIFIED IN THE NEW LAWS. COMMANDS IN HAWAII WILL USE APPROPRIATE ADMINISTRATIVE MEASURES TO DISSEMINATE THIS INFORMATION AND PROMOTE COMPLIANCE. WITH RESPECT TO NAVY CIVILIAN EMPLOYEES, THIS MESSAGE IS ONLY INTENDED TO INFORM THEM OF HAWAII'S NEW TOBACCO LAWS.

4. THIS HAWAII STATE LAW WILL NOT BE APPLIED TO U.S. NAVAL VESSELS, OR U.S. NAVAL PERSONNEL WHILE ONBOARD, ON THE BASIS OF SOVEREIGN IMMUNITY. THIS IS AN AREA OF EXCLUSIVE FEDERAL JURISDICTION.

5. IN ANTICIPATION THAT MANY NAVY PERSONNEL MAY USE THIS AS AN OPPORTUNITY TO QUIT TOBACCO USE, MILITARY TREATMENT FACILITIES AND BRANCH HEALTH CLINICS ARE STANDING BY TO PROVIDE COUNSELING AND TOBACCO CESSATION TREATMENT FOR MILITARY MEMBERS AND BENEFICIARIES. SHIPBOARD MEDICAL DEPARTMENTS CAN PROVIDE SERVICES TO ACTIVE DUTY

ASSIGNED CREW. CIVILIANS ARE ENCOURAGED TO SEEK OUT TOBACCO CESSATION PROGRAMS OFFERED UNDER THEIR FEDERAL HEALTH BENEFITS PLAN. ADDITIONALLY, MULTIPLE FEDERAL, STATE AND NON-PROFIT RESOURCES ARE AVAILABLE TO ALL. THE DOD QUIT TOBACCO PROGRAM ENCOURAGES AND PROMOTES A TOBACCO FREE LIVING CAMPAIGN. THE STATE OF HAWAII HAS AN ACTIVE TOBACCO CONTROL PROGRAM AND SEVERAL LOCAL RESOURCES INCLUDING A STATE QUIT LINE.

6. AS A MATTER OF POLICY, I DIRECT ALL SHORE BASED NAVY EXCHANGE SALES ACTIVITIES IN HAWAII TO CEASE SELLING TOBACCO PRODUCTS, INCLUDING SMOKELESS TOBACCO AND E-CIGARETTES, EFFECTIVE ON 1 JAN 2016, TO ANYONE UNDER THE AGE OF 21. AS DESCRIBED IN PARAGRAPH 4, SHIP BASED SALES ON U.S. NAVAL VESSELS ARE SPECIFICALLY EXCLUDED FROM THIS POLICY. SALE OF THESE PRODUCTS AT DECA AND AAFES FACILITIES DOES NOT RELIEVE PERSONNEL FROM COMPLYING WITH HAWAII STATE LAW AS OUTLINED ABOVE.

7. RELEASED BY VICE ADMIRAL R. L. THOMAS, DIRECTOR NAVY STAFF.//