



DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION AND U.S. ARMY HAWAII
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APVG-CG

04 AUG 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Hawaii Policy Letter #17 – Tobacco Use and Purchase

1. References.

- a. Army Regulation (AR) 600-20, Army Command Policy, 6 November 2014.
- b. AR 600-63, Army Health Promotion, 14 April 2015.
- c. Hawaii Revised Statutes (HRS) § 709-908, Tobacco products and electronic smoking devices; persons under twenty-one years of age.
- d. HRS, Ch. 321.
- e. 18 U.S. Code § 13.

2. Purpose. To improve the health and welfare of the U.S. Army Hawaii (USARHAW) community.

3. Applicability. This policy applies to all persons on USARHAW installations regardless of military status or affiliation.

4. Background. IAW with HRS § 709-908 and amended Ch. 321, effective 1 January 2016, tobacco products and electronic smoking devices may not be purchased by, sold to, or transferred to persons under 21 years old, and persons under 21 may not possess or consume tobacco products in public. USARHAW Policy Letter 19 follows the state law closely in order to promote our close relationship with the State of Hawaii and to improve the health and welfare of the USARHAW community. AR 600-63, para. 7-2 states that "[u]sing tobacco products...harms readiness by impairing physical fitness and by increasing illness, absenteeism, premature death, and health care costs. Readiness is enhanced by promoting the standard of a tobacco-free environment that supports abstinence from, and discourages the use of, any tobacco product. Full cooperation of all commanders, supervisors, Soldiers, and Army Civilians is expected to ensure people are protected from the harmful effects of tobacco products."

5. Policy. Effective 1 January 2016 on all USARHAW installations:

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- a. Persons under 21 years of age may not purchase any tobacco product or electronic smoking device.
- b. No person may sell or transfer any tobacco product or electronic smoking device to a person under 21 years of age.
- c. Persons under 21 years of age may not possess and/or consume tobacco products in public.

6. Definitions. This policy adopts the definitions used in HRS § 321-A and § 709-908, summarized as follows:

- a. Electronic smoking device: any electric product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device.
- b. Tobacco product: any product made or derived from tobacco that contains nicotine or other substances and is intended for human consumption or is likely to be consumed. This includes but is not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff.

7. This is a non-punitive policy. HRS § 709-908 may be assimilated into federal law IAW 18 U.S. Code § 13, and the Special Assistant to the U.S. Attorney for the United States District Court, District of Hawaii may elect to prosecute. Violations of HRS § 709-908 will not be the basis for punishment under the Uniform Code of Military Justice.

8. This memorandum supersedes USARHAW Policy Letter 19, dated 1 January 2016 and remains in effect until superseded or rescinded in writing.

9. The point of contact for this memorandum is LTC Ross A. Witters, 25th Infantry Division Surgeon, at (808) 655-4113 or ross.a.witters.mil@mail.mil.


CHRISTOPHER G. CAVOLI
Major General, USA
Commanding

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