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# A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. Chapter 328K, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§328K-        Disposal of smoking waste. (a) No person  
5 shall dispose of any cigarette, cigar, or tobacco product, or  
6 any part thereof, in any place where smoking is prohibited under  
7 this chapter, except in a designated waste disposal container.

8           (b) Any person who violates this section shall be fined  
9 not more than \$250."

10          SECTION 2. Section 328K-2, Hawaii Revised Statutes, is  
11 amended to read as follows:

12          "**§328K-2 Prohibition in certain places open to the public.**

13 Except as otherwise provided in this part, smoking shall be  
14 prohibited in the following places within the State:

15           (1) Elevators in buildings open to and used by the public,  
16 including elevators in apartment and other multi-unit  
17 residential buildings;



1           (2) Semiprivate rooms, wards, waiting rooms, lobbies, and  
2           public hallways of public and private health care  
3           facilities, including, but not limited to, hospitals,  
4           clinics, and physicians' and dentists' offices.

5           Smoking shall be permitted in a private room or in a  
6           semiprivate room when there is no objection by any  
7           patient occupying such room;

8           (3) Restaurants.

9           (A) All restaurants shall provide nonsmoking areas  
10           ~~[which]~~ that are reasonably proportionate to the  
11           preference of the users and so located as to  
12           obtain the maximum effect of existing physical  
13           barriers ~~[and]~~, ventilation systems, and seating  
14           arrangements, to minimize the toxic effect of  
15           smoke in adjacent nonsmoking areas; provided no  
16           fixed structural or other physical modifications  
17           of the restaurant shall be required; and

18           (B) Nothing in this paragraph shall prevent a  
19           proprietor or person in charge of a facility from  
20           designating the entire restaurant as a nonsmoking  
21           area. Owners or proprietors of restaurants may  
22           expand or contract the size of designated



- 1 nonsmoking areas to meet the requirements of  
2 their patrons;
- 3 (4) Any room [~~which~~] that is used primarily for exhibiting  
4 any motion picture, stage drama, dance, musical  
5 performance, or other similar performance during the  
6 time that the room is open to the public for such  
7 performance;
- 8 (5) Museums, libraries, and galleries;
- 9 (6) The following facilities or areas in state or county  
10 owned or controlled buildings:
- 11 (A) Meeting or conference rooms;
- 12 (B) Auditorium or sports areas that are enclosed;
- 13 (C) Community centers where persons may gather for  
14 meetings, parties, or any other purpose where the  
15 area is enclosed;
- 16 (D) Waiting areas, baggage claim areas, and check-in  
17 counters within buildings in all state airports;  
18 and
- 19 (E) All areas open to the public, including service  
20 counters and reception or waiting areas;



- 1           (7) Except as otherwise provided in this section, all  
2           areas open to the public in the following business  
3           establishments:
- 4           (A) Banks;
  - 5           (B) Credit unions;
  - 6           (C) Financial services loan companies;
  - 7           (D) Retail stores; and
  - 8           (E) Savings and loan associations;
- 9           (8) Any restroom open to the public;
- 10          (9) Taxicabs, when carrying nonsmoking passengers;
- 11          (10) Cruise ships. The dining area of all cruise ships  
12          shall include a nonsmoking area [~~which~~] that is  
13          reasonably proportionate to the preference of the  
14          users and so located as to obtain the maximum effect  
15          of existing physical barriers [~~and~~], ventilation  
16          systems, and seating arrangements, to minimize the  
17          toxic effect of smoke; provided no fixed structural or  
18          other physical modifications of the cruise ship shall  
19          be required. This paragraph shall not apply to any  
20          cruise ship that does not serve any food or meals  
21          during its course of operation, or where the service



1 of food is only incidental to the consumption of  
2 alcoholic beverages; [~~and~~]  
3 (11) Public beaches and public parks;  
4 (12) Any place within twenty-five feet of areas where  
5 playground equipment is installed for public use by  
6 children, play pits, play structures, bleachers,  
7 backstops, sports fields, ball diamonds, basketball,  
8 handball, tennis, and paddle tennis courts, and areas  
9 posted to require permits to be reserved for picnics;  
10 and

11 [~~(11)~~] (13) Notwithstanding the exceptions stated in section  
12 328K-3, any area open to the public [~~which~~] that has  
13 been designated by the person having control of the  
14 area as a nonsmoking area and marked with a "no  
15 smoking" sign."

16 SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun, before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# H.B. NO. 2556

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

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HB 2556

**Report Title:**

Smoking; Public Beaches, Parks, Recreational Areas; Disposal

**Description:**

Prohibits smoking on public beaches and parks and certain recreational areas. Prohibits disposal of smoking waste in any place where smoking is prohibited, except in designated waste disposal container. Subjects violators to \$250 fine.

