

JAN 23 2006

S.B. NO. 2097

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

3           "**§328K-2 Prohibition in certain places open to the public.**

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

6           (1) Elevators in buildings open to and used by the public,  
7 including elevators in apartment and other multi-unit  
8 residential buildings;

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

13 Smoking shall be permitted in a private room or in a  
14 semiprivate room when there is no objection by any  
15 patient occupying such room;

16           (3) Restaurants.

17           (A) All restaurants shall provide nonsmoking areas  
18 which are reasonably proportionate to the



1 preference of the users and so located as to  
2 obtain the maximum effect of existing physical  
3 barriers and ventilation systems, and seating  
4 arrangements, to minimize the toxic effect of  
5 smoke in adjacent nonsmoking areas; provided no  
6 fixed structural or other physical modifications  
7 of the restaurant shall be required; and

8 (B) Nothing in this paragraph shall prevent a  
9 proprietor or person in charge of a facility from  
10 designating the entire restaurant as a nonsmoking  
11 area. Owners or proprietors of restaurants may  
12 expand or contract the size of designated  
13 nonsmoking areas to meet the requirements of  
14 their patrons;

15 (4) Any room which is used primarily for exhibiting any  
16 motion picture, stage drama, dance, musical  
17 performance, or other similar performance during the  
18 time that the room is open to the public for such  
19 performance;

20 (5) Museums, libraries, and galleries;

21 (6) The following facilities or areas in state or county  
22 owned or controlled buildings:



- 1 (A) Meeting or conference rooms;
- 2 (B) Auditorium or sports areas that are enclosed;
- 3 (C) Community centers where persons may gather for
- 4 meetings, parties, or any other purpose where the
- 5 area is enclosed;
- 6 (D) [~~Waiting~~] All areas [~~, baggage claim areas, and~~
- 7 ~~check-in counters~~] within buildings in all state
- 8 airports; and
- 9 (E) All areas open to the public, including service
- 10 counters and reception or waiting areas;
- 11 (7) Except as otherwise provided in this section, all
- 12 areas open to the public in the following business
- 13 establishments:
- 14 (A) Banks;
- 15 (B) Credit unions;
- 16 (C) Financial services loan companies;
- 17 (D) Retail stores; and
- 18 (E) Savings and loan associations;
- 19 (8) Any restroom open to the public;
- 20 (9) Taxicabs, when carrying nonsmoking passengers;
- 21 (10) Cruise ships. The dining area of all cruise ships
- 22 shall include a nonsmoking area which is reasonably



1 proportionate to the preference of the users and so  
 2 located as to obtain the maximum effect of existing  
 3 physical barriers and ventilation systems, and seating  
 4 arrangements, to minimize the toxic effect of smoke;  
 5 provided no fixed structural or other physical  
 6 modifications of the cruise ship shall be required.

7 This paragraph shall not apply to any cruise ship that  
 8 does not serve any food or meals during its course of  
 9 operation, or where the service of food is only  
 10 incidental to the consumption of alcoholic beverages;  
 11 and

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

17 SECTION 2. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

20 Will Syro

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SB 2097

**Report Title:**

Smoking Prohibition; Airports

**Description:**

Prohibits smoking in all areas of state airports.

