
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Section 328J-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~ §328J-7 ~~[+]~~ **Exceptions.** Notwithstanding any other
4 provision of this chapter to the contrary, the following areas
5 shall be exempt from the provisions of sections 328J-3, 328J-4,
6 and 328J-5:

7 (1) Private residences, except when used as a licensed
8 child care, adult day care, or health care facility;

9 (2) Hotel and motel rooms that are rented to guests and
10 are designated as smoking rooms; provided that not
11 more than twenty per cent of rooms rented to guests in
12 a hotel or motel may be so designated. All smoking
13 rooms on the same floor shall be contiguous and smoke
14 from these rooms shall not infiltrate into areas where
15 smoking is prohibited under this chapter. The status
16 of rooms as smoking or nonsmoking may not be changed,
17 except to add additional nonsmoking rooms;



1 (3) Restaurants which have designated outdoor smoking
2 areas in accordance with rules to be promulgated by
3 the department;

4 [~~3~~] (4) Retail tobacco stores; provided that smoke from
5 these places shall not infiltrate into areas where
6 smoking is prohibited under this chapter;

7 [~~4~~] (5) Private and semiprivate rooms in nursing homes
8 and long-term care facilities that are occupied by one
9 or more persons, all of whom are smokers and have
10 requested in writing to be placed in a room where
11 smoking is permitted; provided that smoke from these
12 places shall not infiltrate into areas where smoking
13 is prohibited under this chapter;

14 [~~5~~] (6) Outdoor areas of places of employment except
15 those covered by the provisions of sections 328J-3 and
16 328J-5;

17 [~~6~~] (7) All areas covered by this chapter when smoking is
18 part of a production being filmed; and

19 [~~7~~] (8) State correctional facilities."

20 SECTION 2. Section 328J-9, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " [f] §328J-9 [t] **Signs.** (a) Clearly legible signs that
2 include the words "Smoking Prohibited by Law" with letters of
3 not less than one inch in height or the international "No
4 Smoking" symbol, consisting of a pictorial representation of a
5 burning cigarette enclosed in a red circle with a red bar across
6 it, shall be clearly and conspicuously posted in and at the
7 entrance to every place open to the public and place of
8 employment where smoking is prohibited by this chapter by the
9 owner, operator, manager, or other person in control of that
10 place.

11 (b) Clearly legible signs that include the words "Smoking
12 in outdoor areas of this restaurant is allowed" with letters not
13 less than one inch in height shall be clearly and conspicuously
14 posted in and at the entrance to the designated smoking areas of
15 restaurants allowed by department rules to have outdoor smoking
16 areas by the owner, operator, manager, or other person in
17 control of that place."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Smoking

Description:

Requires the Department of Health to promulgate rules governing smoking in outdoor areas of restaurants. Requires posting of appropriate signs.

