
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§281- Smoking establishment license fee.
5 Notwithstanding sections 281-16 and 281-17.5, or any other law
6 to the contrary, beginning July 1, 2008, there shall be a
7 smoking establishment license fee for each holder of a
8 restaurant, dispensers', club, or cabaret license if the
9 establishment is a licensed smoking establishment as provided in
10 section 281-31. The smoking establishment license fee shall be
11 collected by the liquor commission for each county, and shall be
12 in addition to other fees required under this chapter. The fee
13 shall be as follows:
14 (1) \$1,000 for the following establishments in which
15 smoking is permitted: class 5 category A standard
16 bars, class 2 category C restaurants, and class 6
17 clubs;



1 (2) \$2,000 for the following establishments in which
2 smoking is permitted: class 5 category C and category
3 D licenses; and

4 (3) \$3,000 for the following establishments in which
5 smoking is permitted: class 11 cabarets and class 5
6 category B premises.

7 Fifty percent of the smoking establishment license fees
8 collected by each commission shall be deposited into the organ
9 and tissue donation special fund established under section 327-
10 5.6. Fifty percent of the smoking establishment license fees
11 collected by each commission shall be deposited into the Hawaii
12 tobacco prevention and control trust fund established under
13 section 328L-5. Each commission may retain a portion, not to
14 exceed ten per cent, of every smoking establishment license fee
15 collected that directly relates to actual costs and expenses of
16 operation and administration of the commission as set forth in
17 this chapter."

18 SECTION 2. Chapter 328J, Hawaii Revised Statutes, is
19 amended by adding two new sections to be appropriately
20 designated and to read as follows:

21 "§328J-A Smoking establishment employees; smoke hazard
22 acknowledgment form. All holders of a restaurant, dispensers',

1 club, or cabaret license under which smoking is permitted as
2 provided in section 281-31 are required to inform all employees
3 and prospective employees of the hazards of tobacco smoke. The
4 liquor commission for each county shall proscribe forms that
5 each smoking establishment license holder and each employee of a
6 smoking establishment license holder must sign to acknowledge
7 that the employee has been informed of the hazards of working in
8 a smoking establishment. Forms required under this section
9 shall be filed with the appropriate liquor commission.

10 §328J-B Smoking establishment signs. Notwithstanding any
11 other provision of this chapter, all holders of a restaurant,
12 dispensers', club, or cabaret license under which smoking is
13 permitted as provided in section 281-31 shall erect a sign no
14 smaller than eleven inches by seventeen inches in dimension,
15 which shall consist of block lettering at least one inch high,
16 with the exact design to be approved by the Hawaii Bar Owners
17 Association, and which shall state as follows: THIS IS A SMOKER
18 FRIENDLY BUSINESS . . . ENTER AT YOUR OWN RISK. All signs
19 required under this section shall be attached to the door of the
20 entrance of every smoking establishment in a clear and
21 conspicuous manner at all times."



1 SECTION 3. Section 281-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§281-31 Licenses, classes. (a) Licenses may be granted
4 by the liquor commission as provided in this section.

5 (b) Class 1. Manufacturers' license. A license for the
6 manufacture of liquor shall authorize the licensee to
7 manufacture the liquor therein specified and to sell it at
8 wholesale in original packages to any person who holds a license
9 to resell it and to sell draught beer or wine manufactured from
10 grapes or other fruits grown in the State in any quantity to any
11 person for private use and consumption. Under this license, no
12 liquor shall be consumed on the premises except as authorized by
13 the commission. Of this class, there shall be the following
14 kinds:

- 15 (1) Beer;
- 16 (2) Wine;
- 17 (3) Alcohol; and
- 18 (4) Other specified liquor.

19 It shall be unlawful for any holder of a manufacturer's
20 license to have any interest whatsoever in the license or
21 licensed premises of any other licensee. This subsection shall
22 not prevent the holder of a beer class manufacturer's license



1 under this chapter or under the law of another jurisdiction from
2 maintaining any interest in the license or licensed premises of
3 a beer and wine class wholesale dealer licensee under this
4 chapter whose wholesaling is limited to beer, other than direct
5 ownership of a beer and wine class wholesale dealer's license,
6 or direct ownership of a partnership share, one or more shares
7 of stock, or similar proprietary stake in the holder of a beer
8 and wine class wholesale dealer's license.

9 (c) Class 2. Restaurant license.

10 (1) A license under this class shall authorize the
11 licensee to sell liquors specified in this subsection
12 for consumption on the premises; provided that a
13 restaurant licensee, with commission approval, may
14 provide off-premises catering; provided further that
15 the catering activity shall be directly related to the
16 licensee's operation as a restaurant. A licensee
17 under this class shall be issued a license according
18 to the category of establishment the licensee owns or
19 operates. The categories of establishment shall be as
20 follows:

21 (A) A standard bar; [~~or~~]



1 (B) Premises in which live entertainment or recorded
2 music is provided. Facilities for dancing by the
3 patrons may be permitted as provided by
4 commission rules ~~[+]~~; or

5 (C) Establishments as described in (A) or (B) which
6 include an outside area in which smoking is
7 permitted pursuant to commission rules. Smoke
8 from these outside areas shall not infiltrate
9 into areas that are not designated for smoking.
10 A licensee under this category shall be issued a
11 license according to the category of
12 establishment the licensee owns or operates. A
13 smoking establishment license shall be granted
14 upon written request and remittance of the
15 smoking establishment license fee by the owner.

16 (2) If a licensee under class 2 desires to change the
17 category of establishment the licensee owns or
18 operates, the licensee shall apply for a new license
19 applicable to the category of the licensee's
20 establishment [+]. [+]

21 (3) Notwithstanding subsection (2), a smoking
22 establishment license may be canceled at the owner's



1 request at any time, and the owner shall be issued a
 2 new license under category A or B under which smoking
 3 is not permitted. The owner shall not have to reapply
 4 for a license, and any subsequent fees for a smoking
 5 establishment license shall be forfeit.

6 ~~[-3-]~~ (4) For each category of class 2 licenses, there
 7 shall be the following kinds:

- 8 (A) General (includes all liquors except alcohol);
- 9 (B) Beer and wine; and
- 10 (C) Beer.

11 Any licensee holding a different class of license on June 19,
 12 1990, and who would otherwise come within this class of license
 13 shall not be required to apply for a new license.

14 (d) Class 3. Wholesale dealers' license. A license for
 15 the sale of liquors at wholesale shall authorize the licensee to
 16 import and sell only to licensees or to others who are by law
 17 authorized to resell but are not by law required to hold a
 18 license, the liquors therein specified in quantities not less
 19 than five gallons at one time if sold from or in bulk containers
 20 or not less than one gallon if bottled goods; provided that
 21 samples of liquor may be sold back to the manufacturer. The
 22 license may authorize the licensee to sell draught beer in



1 quantities not less than five gallons at one time to any person
2 for private use and consumption if the licensee files an
3 affidavit with the commission that there is not a class 4 retail
4 dealers licensee available to sell the wholesalers brand of
5 draught beer. Under the license, no liquor shall be consumed on
6 the premises except as authorized by the commission. Of this
7 class, there shall be the following kinds:

8 (1) General (includes all liquors except alcohol);

9 (2) Beer and wine; and

10 (3) Alcohol.

11 If any wholesale dealer solicits or takes any orders in any
12 county other than that where the dealer's place of business is
13 located, the orders may be filled only by shipment direct from
14 the county in which the wholesale dealer has the dealer's
15 license. Nothing in this subsection shall prevent a wholesaler
16 from selling liquors to post exchanges, ships service stores,
17 army or navy officers' clubs, or similar organizations located
18 on army or navy reservations, or to any vessel other than
19 vessels performing a regular water transportation service
20 between any two or more ports in the State, or to aviation
21 companies who operate an aerial transportation enterprise as a
22 common carrier, under chapter 269, engaged in regular flight



1 passenger services between any two or more airports in the State
2 for use on aircraft, or aviation companies engaged in
3 transpacific flight operations for use on aircraft outside the
4 jurisdiction of the State.

5 (e) Class 4. Retail dealers' license. A license to sell
6 liquors at retail or to class 10 licenses shall authorize the
7 licensee to sell the liquors therein specified in their original
8 packages. Under the license, no liquor shall be consumed on the
9 premises except as authorized by the commission. Of this class,
10 there shall be the following kinds:

11 (1) General (includes all liquors except alcohol);

12 (2) Beer and wine; and

13 (3) Alcohol.

14 (f) Class 5. Dispensers' license.

15 (1) A license under this class shall authorize the
16 licensee to sell liquors specified in this subsection
17 for consumption on the premises. A licensee under
18 this class shall be issued a license according to the
19 category of establishment the licensee owns or
20 operates. The categories of establishments shall be
21 as follows:

22 (A) A standard bar;



- 1 (B) Premises in which a person performs or entertains
- 2 unclothed or in attire restricted to use by
- 3 entertainers pursuant to commission rules;
- 4 (C) Premises in which live entertainment or recorded
- 5 music is provided; provided that facilities for
- 6 dancing by the patrons may be permitted as
- 7 provided by commission rules; [~~or~~]
- 8 (D) Premises in which employees or entertainers are
- 9 compensated to sit with patrons, regardless of
- 10 whether the employees or entertainers are
- 11 consuming nonalcoholic beverages while in the
- 12 company of the patrons pursuant to commission
- 13 rules [~~or~~]; or
- 14 (E) Establishments as described in (A), (B), (C), or
- 15 (D) in which smoking is permitted pursuant to
- 16 commission rules. A license under this category
- 17 shall authorize the licensee to sell liquor for
- 18 consumption in enclosed premises in which
- 19 smoking, as defined in section 328J-1, is
- 20 allowed. Smoke from these premises shall not
- 21 infiltrate into areas that are not designated for
- 22 smoking. A licensee under this category shall be



1 issued a license according to the category of
 2 establishment the licensee owns or operates. A
 3 smoking establishment license shall be granted
 4 upon written request and remittance of the
 5 smoking establishment license fee by the owner.

6 (2) If a licensee under class 5 desires to change the
 7 category of establishment the licensee owns or
 8 operates, the licensee shall apply for a new license
 9 applicable to the category of the licensee's
 10 establishment.

11 (3) Notwithstanding subsection (2), a smoking
 12 establishment license may be canceled at the owner's
 13 request at any time, and the owner shall be issued a
 14 new license under category A, B, C, or D under which
 15 smoking is not permitted. The owner shall not have to
 16 reapply for a license, and any subsequent fees for a
 17 smoking establishment license shall be forfeit.

18 ~~(3)~~ (4) For each category of class 5 licenses, there
 19 shall be the following kinds:

- 20 (A) General (includes all liquors except alcohol);
- 21 (B) Beer and wine; and
- 22 (C) Beer.

1 (g) Class 6. Club license. A club license shall be
2 general only (but excluding alcohol) and shall authorize the
3 licensee to sell liquors to members of the club and to guests of
4 the club enjoying the privileges of membership, for consumption
5 only on the premises kept and operated by the club; provided
6 that the license shall also authorize any club member to keep in
7 the member's private locker on the premises a reasonable
8 quantity of liquor, if owned by the member, for the member's own
9 personal use and not to be sold and that may be consumed only on
10 the premises.

11 Holders of a club license may provide areas in which
12 smoking is permitted as provided by commission rules. Smoke
13 from these areas shall not infiltrate into areas that are not
14 designated for smoking. The license shall be granted upon
15 written request and remittance of the smoking establishment
16 license fee by the owner. A smoking establishment license may
17 be canceled at the owner's request at any time, and the owner
18 shall be issued a new club license under which smoking is not
19 permitted. The owner shall not have to reapply for a license,
20 and any subsequent fees for a smoking establishment license
21 shall be forfeit.



1 (h) Class 7. Vessel license. A general license may be
2 granted to the owner of any vessel performing a regular water
3 transportation passenger service between any two or more ports
4 in the State for the sale of liquor (other than alcohol) on
5 board the vessel while in the waters of the State; provided the
6 sales are made only while the vessel is en route and only for
7 consumption by passengers on board. If the vessel has a home
8 port in the State, the license shall be issuable in the county
9 in which the home port is situated; provided that if the
10 licensee's home port is not situated in this State, the license
11 shall be issuable in the city and county of Honolulu. If, on
12 any vessel for which no license has been obtained under this
13 chapter, any liquor is sold or served within three miles of the
14 shore of any island of the State, it shall constitute a
15 violation of this chapter.

16 (i) Class 8. Transient vessel license. A general license
17 may be granted to the owner of any vessel that does not fall
18 within class 7 for the sale of liquor (other than alcohol) on
19 board the vessel while in any port of the State. Sales shall be
20 made only for consumption by passengers and their guests on
21 board the vessel. The license shall be issuable in each county



1 where the sales are to be made; provided that the application
2 for the license may be made by any agent representing the owner.

3 (j) Class 9. Tour or cruise vessel license. A general
4 license may be granted to the owner of any tour or cruise vessel
5 for the sale of liquor (other than alcohol) on board the vessel
6 while in the waters of the State; provided that sales be made
7 only for consumption by passengers on board while the vessel is
8 in operation outside the port or dock of any island of the
9 State, unless otherwise approved by the county where the license
10 has been issued. If the vessel has a home port in the State,
11 the license shall be issuable in the county wherein the home
12 port is situated; provided that if the licensee's home port is
13 not situated in this State, the license shall be issuable in the
14 city and county of Honolulu. If, on any vessel for which no
15 license has been obtained under this chapter, any liquor is sold
16 or served within three miles of the shore of any island of the
17 State, it shall constitute a violation of this chapter.

18 (k) Class 10. Special license. A special license may be
19 granted for the sale of liquor for a period not to exceed three
20 days on any occasion and under any conditions as may be approved
21 by the commission. Of this class, there shall be the following
22 kinds:



1 (1) General (includes all liquors except alcohol);

2 (2) Beer and wine; and

3 (3) Beer.

4 Under this license, the liquors therein specified shall be
5 consumed on the premises.

6 (1) Class 11. Cabaret license. A cabaret license shall
7 be general only (but excluding alcohol) and shall authorize the
8 sale of liquors for consumption on the premises. This license
9 shall be issued only for premises where food is served,
10 facilities for dancing by the patrons are provided, including a
11 dance floor, and live or amplified recorded music or
12 professional entertainment, except professional entertainment by
13 a person who performs or entertains unclothed, is provided for
14 the patrons; provided that professional entertainment by persons
15 who perform or entertain unclothed shall be authorized by:

16 (1) A cabaret license for premises where professional
17 entertainment by persons who perform or entertain
18 unclothed was presented on a regular and consistent
19 basis immediately prior to June 15, 1990; or

20 (2) A cabaret license that, pursuant to rules adopted by
21 the liquor commission, permits professional



1 entertainment by persons who perform or entertain
2 unclothed.

3 A cabaret license under paragraph (1) or (2) authorizing
4 professional entertainment by persons who perform or entertain
5 unclothed shall be transferable through June 30, 2000. A
6 cabaret license under paragraph (1) or (2) authorizing
7 professional entertainment by persons who perform or entertain
8 unclothed shall not be transferable after June 30, 2000, except
9 when the transferee obtains approval from the liquor commission,
10 and pursuant to rules adopted by the commission.

11 Notwithstanding any rule of the liquor commission to the
12 contrary, cabarets in resort areas may be opened for the
13 transaction of business until 4 a.m. throughout the entire week.

14 Holders of a cabaret license may provide areas in which
15 smoking is permitted as provided by commission rules. Smoke
16 from these areas shall not infiltrate into areas that are not
17 designated for smoking. The license shall be granted upon
18 written request and remittance of the smoking establishment
19 license fee by the owner. Notwithstanding any other provision
20 herein, a smoking establishment license may be canceled at the
21 owner's request at any time, and the owner shall be issued a new
22 cabaret license under which smoking is not permitted. The owner



1 shall not have to reapply for a license, and any subsequent fees
2 for a smoking establishment license shall be forfeit.

3 (m) Class 12. Hotel license. A license to sell liquor in
4 a hotel shall authorize the licensee to provide entertainment
5 and dancing on the hotel premises and to sell all liquors,
6 except alcohol, for consumption on the premises; provided that a
7 hotel licensee, with commission approval, may provide off-
8 premises catering, if the catering activity is directly related
9 to the licensee's operation as a hotel.

10 Procedures such as room service, self-service (no-host),
11 minibars or similar service in guest rooms, and service at
12 private parties in areas that are the property of and contiguous
13 to the hotel, are permitted with commission approval.

14 Any licensee who would otherwise fall within the hotel
15 license class but holds a different class of license may be
16 required to apply for a hotel license.

17 If the licensee applies for a change of classification
18 prior to July 30, 1992, the licensee shall not be subject to the
19 requirements of sections 281-52, 281-54, and 281-57 through
20 281-59.

21 Any licensee holding a class 12 license on [†]May 1,
22 2007, [†] and who would otherwise come within this class of



1 license may apply to the liquor commission in which the licensee
2 is seeking a change in liquor license for a change to a class 15
3 license; provided that the licensee shall not be subject to the
4 requirements of section 281-54 and sections 281-57 to 281-60.

5 If a licensee holding a class 12 license on [+]May 1,
6 2007, [+] applies for a change to a class 15 license, the
7 respective liquor commission shall hold a public hearing upon
8 notice, and upon the day of hearing, or any adjournment thereof,
9 the liquor commission shall consider the application, accept all
10 written or oral testimony for or against the application, and
11 render its decision granting or refusing the application. If
12 the application is denied, the class 12 license shall continue
13 in effect in accordance with law.

14 (n) Class 13. Caterer license. A general license may be
15 granted to any licensee who serves food as part of their
16 operation for the sale of liquor (other than alcohol) while
17 performing food catering functions.

18 No catering service for the sale of liquor shall be
19 performed off the licensee's premises, unless prior written
20 notice of the service has been delivered to the office of the
21 liquor commission of the county concerned. The notice shall
22 state the date, time, and location of the proposed event and



1 shall include a written statement signed by the owner or
2 representative of the property that the function will be subject
3 to the liquor laws and to inspection by investigators.

4 (o) Class 14. Brewpub license. A brewpub licensee:

5 (1) Shall manufacture not more than ten thousand barrels
6 of malt beverages on the licensee's premises during
7 the license year;

8 (2) May sell malt beverages manufactured on the licensee's
9 premises for consumption on the premises;

10 (3) May sell malt beverages manufactured by the licensee
11 in brewery-sealed packages to class 3, wholesale
12 dealer licensees pursuant to conditions imposed by
13 county planning and public works departments;

14 (4) May sell intoxicating liquor, purchased from a class
15 1, manufacturer licensee, or a class 3, wholesale
16 dealer's licensee, to consumers for consumption on the
17 licensee's premises; provided that the premises is
18 owned and operated by the licensee. The categories of
19 establishments shall be as follows:

20 (A) A standard bar; or

21 (B) Premises in which live entertainment or recorded
22 music is provided. Facilities for dancing by the



- 1 patrons may be permitted as provided by
2 commission rules;
- 3 (5) May sell malt beverages manufactured on the licensee's
4 premises to consumers in brewery-sealed kegs and
5 growlers for off-premises consumption; provided that
6 for purposes of this paragraph, "growler" means a
7 glass container, not to exceed one half-gallon, which
8 may be securely sealed;
- 9 (6) May sell malt beverages manufactured on the licensee's
10 premises to consumers, in recyclable containers that
11 may be provided by the licensee or by the consumer,
12 not to exceed one gallon per container, which are
13 securely sealed on the licensee's premises, for off-
14 premises consumption;
- 15 (7) Shall comply with all regulations pertaining to class
16 4 retail licensees when engaging in the retail sale of
17 malt beverages;
- 18 (8) May sell malt beverages manufactured on the licensee's
19 premises in brewery-sealed containers directly to
20 class 2 restaurant licensees, class 3 wholesale dealer
21 licensees, class 4 retail dealer licensees, class 5
22 dispensers' licensees, class 6 club licensees, class



1 7, 8, and 9 vessel licensees, transient vessel
2 licensees, tour or cruise vessel licensees, class 10
3 special licensees, class 11 cabaret licensees, class
4 12 hotel licensees, class 13 caterer licensees, and
5 class 15 condominium hotel license, pursuant to
6 conditions imposed by county planning and public works
7 departments and regulations governing class 3
8 wholesale dealers licensees; and

9 (9) May conduct the activities described in paragraphs (1)
10 through (8) at one location other than the licensee's
11 premises; provided that the manufacturing takes place
12 in Hawaii; and provided further the other location is
13 properly licensed by the same ownership.

14 (p) Class 15. Condominium hotel license. A license to
15 sell liquor in a condominium hotel shall authorize the licensee
16 to provide entertainment and dancing on the condominium hotel
17 premises and to sell all liquors, except alcohol, for
18 consumption on the premises; provided that a condominium hotel
19 licensee, with commission approval, may provide off-premises
20 catering; provided further that the catering activity is
21 directly related to the licensee's operation as a condominium
22 hotel.



1 Procedures such as room service, self-service (no-host),
2 minibars or similar service in apartments, and service at
3 private parties in areas that are the property of and contiguous
4 to the condominium hotel, are permitted with commission
5 approval.

6 A condominium hotel licensee shall not sell liquor in the
7 manner authorized by a class 4 retail dealer's license.

8 (q) It shall be unlawful for any retail licensee, except a
9 class 10 licensee, to purchase, acquire, or sell liquor from any
10 person other than a wholesaler licensed pursuant to this
11 chapter, except as otherwise provided in this section.

12 (r) Any provision to the contrary notwithstanding, at the
13 discretion of the county liquor commission, permission may be
14 granted to a bona fide hotel, restaurant, or club licensed under
15 class 2, class 6, class 11, class 12, class 14, or class 15 to
16 allow a patron to remove from the licensed premises any portion
17 of wine that was purchased for consumption with a meal; provided
18 that it is recorked or resealed in its original container. This
19 subsection applies only to a valid holder of a class 2, class 6,
20 class 11, class 12, class 14, or class 15 license engaged in
21 meal service.



1 (s) Sections 281-57 to 281-60 shall not apply to classes 7
2 through 10 and 13."

3 SECTION 4. Section 327-5.6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[f]~~ §327-5.6 Organ and tissue education special fund. ~~[f]~~

6 There is established in the state treasury the ~~[f]~~ organ and
7 tissue education special fund ~~[f]~~. Moneys collected under
8 ~~[section]~~ sections 286-109.7 and 281- shall be deposited into
9 the fund. The fund shall be administered and distributed by the
10 department of health and shall be used exclusively for public
11 education programs and activities on organ, tissue, and eye
12 donation."

13 SECTION 5. Section 328J-1, Hawaii Revised Statutes, is
14 amended by amending the definitions of "Bar" and "Restaurant" to
15 read as follows:

16 ""Bar" means an establishment that is devoted to the
17 serving of alcoholic beverages for consumption by guests on the
18 premises regardless of whether food is served, including but not
19 limited to taverns, cocktail lounges, and cabarets, including
20 outdoor areas of bars ~~[f]~~; provided that establishments with a
21 smoking establishment license issued under section 281-31 shall
22 not be included.



1 "Restaurant" means an eating establishment, including but
2 not limited to coffee shops, cafeterias, sandwich stands, and
3 private and public school cafeterias, which gives or offers for
4 sale food to the public, guests, or employees, as well as
5 kitchens and catering facilities in which food is prepared on
6 the premises for serving elsewhere[-]; provided that outdoor
7 areas of establishments operating with a smoking establishment
8 license issued under section 281-31 shall not be included. The
9 term "restaurant" includes a bar area within the restaurant and
10 is limited to the outdoor areas of restaurants."

11 SECTION 6. Section 328J-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+] §328J-7 [+] **Exceptions.** Notwithstanding any other
14 provision of this chapter to the contrary, the following areas
15 shall be exempt from the provisions of sections 328J-3, 328J-4,
16 and 328J-5:

- 17 (1) Private residences, except when used as a licensed
18 child care, adult day care, or health care facility;
- 19 (2) Hotel and motel rooms that are rented to guests and
20 are designated as smoking rooms; provided that not
21 more than twenty per cent of rooms rented to guests in
22 a hotel or motel may be so designated. All smoking



1 rooms on the same floor shall be contiguous and smoke
2 from these rooms shall not infiltrate into areas where
3 smoking is prohibited under this chapter. The status
4 of rooms as smoking or nonsmoking may not be changed,
5 except to add additional nonsmoking rooms;

6 (3) Retail tobacco stores; provided that smoke from these
7 places shall not infiltrate into areas where smoking
8 is prohibited under this chapter;

9 (4) Establishments in which smoking is permitted pursuant
10 to a smoking establishment license issued under
11 section 281-31;

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

19 [~~5~~] (6) Outdoor areas of places of employment except
20 those covered by the provisions of sections 328J-3 and
21 328J-5;



1 ~~[(6)]~~ (7) All areas covered by this chapter when smoking is
 2 part of a production being filmed; and
 3 ~~[(7)]~~ (8) State correctional facilities."

4 SECTION 7. Section 328L-5, Hawaii Revised Statutes, is
 5 amended by amending subsection (e) to read as follows:

6 "(e) The assets of the Hawaii tobacco prevention and
 7 control trust fund shall consist of:

- 8 (1) Moneys appropriated under section 328L-2(b)(3);
- 9 (2) Moneys appropriated to the Hawaii tobacco prevention
 10 and control trust fund by the state, county, or
 11 federal government;
- 12 (3) Moneys collected from the smoking establishment
 13 license fee under section 281- ;
- 14 ~~[(3)]~~ (4) Private contributions of cash or property; and
- 15 ~~[(4)]~~ (5) Income and capital gains earned by the trust
 16 fund."

17 SECTION 8. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2008.

20
 21

INTRODUCED BY:

Callie May
Tom Brown *Gene Ward*
Rida Cabanilla *James*
 JAN 23 2008

Report Title:

Smoking

Description:

Allows smoking in properly licensed establishments. Requires collection of smoking establishment licensing fee with proceeds to go towards organ donation education and tobacco education.

