
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 328J-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "open to the public" to
3 read as follows:
4 ""Open to the public" means enclosed or partially enclosed
5 areas to which the public is invited or permitted and areas
6 within any building available for use by or accessible to the
7 general public during the normal course of business conducted
8 therein by either private or public entities, including but not
9 limited to bars, educational facilities, financial institutions,
10 health care facilities, hotel and motel lobbies, lanais,
11 laundromats, public transportation facilities, [~~including~~
12 ~~airport areas from curb to cabin and including all areas within~~
13 ~~and immediately in front of and adjacent to passenger terminals~~
14 ~~and pick up areas, throughout]~~ the interior of an airport
15 facility, [~~and~~] up to the passenger loading gates of all state
16 airports, reception areas, restaurants, retail food production
17 and marketing establishments, retail service establishments,
18 retail stores, shopping malls, sports arenas, theaters, and



1 waiting rooms, but does not include a private residence unless
2 it is used as a child care, adult day care, or health care
3 facility."

4 SECTION 2. Section 328J-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[§328J-3] Prohibition in enclosed or partially enclosed
7 places open to the public. Smoking shall be prohibited in all
8 enclosed or partially enclosed areas open to the public,
9 including but not limited to the following places:

10 (1) ~~[Airports and public]~~ Public transportation facilities
11 and vehicles, including buses and taxicabs, under the
12 authority of the State or county ~~[, and ticket,~~
13 ~~boarding, and waiting areas of public transit depots,~~
14 ~~including airports from curb to cabin and including~~
15 ~~all areas within and immediately in front of and~~
16 ~~adjacent to passenger terminals and pick up areas,~~
17 ~~throughout the airport facility, and up to].~~ In the
18 case of airports, the interior of an airport facility
19 up to the passenger loading gates of all state
20 airports;

21 (2) Aquariums, galleries, libraries, and museums;



- 1 (3) Areas available to and customarily used by the general
2 public, including but not limited to restrooms,
3 lobbies, reception areas, hallways, and other common
4 areas, in businesses and nonprofit entities patronized
5 by the public, including but not limited to
6 professional offices, banks, laundromats, hotels, and
7 motels;
- 8 (4) Bars;
- 9 (5) Bowling alleys;
- 10 (6) Convention facilities;
- 11 (7) Educational facilities, both public and private;
- 12 (8) Elevators;
- 13 (9) Facilities primarily used for exhibiting a motion
14 picture, stage, drama, lecture, musical recital, or
15 other similar performance, except when part of the
16 performance;
- 17 (10) Health care facilities;
- 18 (11) Hotel and motel lobbies, meeting rooms, and banquet
19 facilities;
- 20 (12) Licensed child care and adult day care facilities;
- 21 (13) Lobbies, hallways, and other common areas in apartment
22 buildings, condominiums, retirement facilities,



- 1 nursing homes, multifamily dwellings, and other
- 2 multiple-unit residential facilities;
- 3 (14) Nightclubs;
- 4 (15) Polling places;
- 5 (16) Restaurants;
- 6 (17) Retail stores;
- 7 (18) Rooms, chambers, places of meeting or public assembly
- 8 under the control of an agency, board, commission,
- 9 committee or council of the State or county, to the
- 10 extent the place is subject to the jurisdiction of the
- 11 State or county;
- 12 (19) Service lines; and
- 13 (20) Shopping malls."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Smoking

Description:

Allows smoking at airports up to the passenger terminal gates.

