



GOV. MSG. NO. 716

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

June 8, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 8, 2009, the following bill was signed into law:

SB1073 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO CORRECTIONAL FACILITIES.
ACT 099 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

Approved by the Governor

on JUN 8 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 099

S.B. NO. 1073
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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) Retail tobacco stores; provided that smoke from these
2 places shall not infiltrate into areas where smoking
3 is prohibited under this chapter;
- 4 (4) Private and semiprivate rooms in nursing homes and
5 long-term care facilities that are occupied by one or
6 more persons, all of whom are smokers and have
7 requested in writing to be placed in a room where
8 smoking is permitted; provided that smoke from these
9 places shall not infiltrate into areas where smoking
10 is prohibited under this chapter;
- 11 (5) Outdoor areas of places of employment except those
12 covered by the provisions of sections 328J-3 and
13 328J-5;
- 14 (6) All areas covered by this chapter when smoking is part
15 of a production being filmed; and
- 16 (7) State correctional facilities [-]; provided that
17 smoking shall only be authorized for employees and
18 volunteers of a correctional facility in an area
19 outside the secure confines of a correctional facility
20 restricted from access by inmates or detainees that
21 has been designated by the warden of a correctional
22 facility."



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 Statutory material to be repealed is bracketed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

3 SECTION 3. This Act shall take effect on July 1, 2009.

APPROVED this 8 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII