

---

---

# 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; and
- 14 (6) All areas covered by this chapter when smoking is part
- 15 of a production being filmed[ ~~and~~
- 16 ~~(7) State correctional facilities]."~~

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 Statutory material to be repealed is bracketed  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

INTRODUCED BY: Tam Brown  
Rider T. Q. Cuttwell  
Cindy Evans  
M. B. Lee  
D.C. [unclear]  
Denny Coffey  
[unclear]

2009-0595 HB SMA.doc  
  
 JAN 28 2009

**Report Title:**

Correctional Facility; Smoking Exception

**Description:**

Repeals the exception that allows smoking in correctional facilities.

