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# A BILL FOR AN ACT

RELATING TO SMOKING.

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

1           SECTION 1. Chapter 328J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§328J-       Prohibition during community events.   Smoking  
5 shall be prohibited during a community event:

6           (1) On public beaches and beach parks;

7           (2) In public parks and recreational areas;

8           (3) In other recreational areas designated as recreational  
9               by the state or county agency organizing or funding  
10           the community event; and

11           (4) In areas within twenty feet of the nonsmoking area;

12 provided that the nonsmoking area is within the site of the  
13 community event."

14           SECTION 2. Section 328J-1, Hawaii Revised Statutes, is  
15 amended by adding a new definition to be appropriately inserted  
16 and to read as follows:

17           "Community event" means any function of over twenty-five  
18 people organized by a state or county agency or fully or



1 partially funded by a state or county agency, for the benefit of  
2 the community, including tourists and visitors."

3 SECTION 3. Section 328J-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

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

- 9 (1) Private residences, except when used as a licensed  
10 child care, adult day care, or health care facility;
- 11 (2) Hotel and motel rooms that are rented to guests and  
12 are designated as smoking rooms; provided that not  
13 more than twenty per cent of rooms rented to guests in  
14 a hotel or motel may be so designated. All smoking  
15 rooms on the same floor shall be contiguous and smoke  
16 from these rooms shall not infiltrate into areas where  
17 smoking is prohibited under this chapter. The status  
18 of rooms as smoking or nonsmoking may not be changed,  
19 except to add additional nonsmoking rooms;
- 20 (3) Retail tobacco stores; provided that smoke from these  
21 places shall not infiltrate into areas where smoking  
22 is prohibited under this chapter;



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

8 (5) Outdoor areas of places of employment except those  
 9 covered by the provisions of sections 328J-3 [~~and~~  
 10 ~~328J-5;~~], 328-J-5, and 328J- ;

11 (6) All areas covered by this chapter when smoking is part  
 12 of a production being filmed; and

13 (7) State correctional facilities."

14 SECTION 4. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



Tom Brown

JAN 22 2009



**Report Title:**

Smoking; Community Events; Public Beaches and Parks

**Description:**

Prohibits smoking on public beaches, parks, and certain recreational areas during certain community events.

