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# 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 Statutory material to be repealed is bracketed  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, 2050.



**Report Title:**

Correctional Facility; Smoking Exception

**Description:**

Authorizes smoking in designated areas of correctional facilities for employees and volunteers. Effective July 1, 2050. (SB1073 HD2)

SB1073 HD2 HMS 2009-3546

