
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 community events that occur:

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 a nonsmoking area;
12 provided that the nonsmoking area is within the site
13 of the 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 "[+]§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 [~~+~~], 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 on July 1, 2050.

Report Title:

Smoking; Community Events; Public Beaches and Parks

Description:

Prohibits smoking on public beaches, parks, and certain recreational areas during certain community events. Effective 7/1/2050. (SD2)