
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Section 328J-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~328J-6~~§~~ Presumptively reasonable distance. Smoking
4 is prohibited within a presumptively reasonable minimum distance
5 of twenty feet from entrances, roofline borders of entrances,
6 exits, awnings, windows that open, and ventilation intakes that
7 serve an enclosed or partially enclosed area where smoking is
8 prohibited. Owners, operators, managers, employers, or other
9 persons who own or control a place open to the public or place
10 of employment may seek to rebut the presumption that twenty feet
11 is a reasonable distance by submitting an application to the
12 department. The presumption will be rebutted if the applicant
13 can show by clear and convincing evidence that, given the
14 circumstances presented by the location of entrances, roofline
15 borders of entrances, exits, awnings, windows that open,
16 ventilation intakes, or other factors, smoke will not infiltrate
17 into the place open to the public or place of employment."



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 Statutory material to be repealed is bracketed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 upon its approval.

4

INTRODUCED BY:

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JAN 11 2012



H.B. NO. 1692

Report Title:

Smoking; Reasonable Distance; Roofline Borders of Entrances and Awnings

Description:

Prohibits smoking within a presumptively reasonable distance of 20 feet from roofline borders of entrances and awnings that serve an enclosed or partially enclosed area where smoking is prohibited.

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