

JAN 20 2012

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. The purpose of this Act is to ban smoking on
2 lanais and common areas of apartment buildings and condominiums.

3 SECTION 2. Section 328J-7, Hawaii Revised Statutes, is
4 amended to read as follows:

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

9 (1) Private residences, excluding lanais and common areas
10 of apartment buildings and condominiums and except
11 when used as a licensed child care, adult day care, or
12 health care facility;

13 (2) Hotel and motel rooms that are rented to guests and
14 are designated as smoking rooms; provided that not
15 more than twenty per cent of rooms rented to guests in
16 a hotel or motel may be so designated. All smoking
17 rooms on the same floor shall be contiguous and smoke
18 from these rooms shall not infiltrate into areas where



1 smoking is prohibited under this chapter. The status
2 of rooms as smoking or nonsmoking may not be changed,
3 except to add additional nonsmoking rooms;

4 (3) Retail tobacco stores; provided that smoke from these
5 places shall not infiltrate into areas where smoking
6 is prohibited under this chapter;

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

14 (5) Outdoor areas of places of employment except those
15 covered by the provisions of sections 328J-3 and
16 328J-5;

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

19 (7) State correctional facilities; provided that smoking
20 shall only be authorized for employees and volunteers
21 of a correctional facility in an area outside the
22 secure confines of a correctional facility restricted



1 from access by inmates or detainees that has been
2 designated by the warden of a correctional facility."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY: *[Signature]* **By Request**



S.B. NO. 2570

Report Title:

Smoking; Apartment Buildings; Condominiums

Description:

Amends section 328J-7 to specify that the common areas and lanais of apartment buildings and condominiums are not exceptions to the smoking ban for enclosed or partially enclosed areas.

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