

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 2306  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 2306 entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 328J, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this measure is to allow for limited smoking in certain areas by:

- (1) Permitting bars and nightclubs with dispenser or cabaret licenses to permit smoking by posting sufficient "Smoking Permitted" signage; and
- (2) Prohibiting any county ordinance from banning or hindering smoking under the circumstances described in paragraph (1).

The Hawaii Smokers Alliance, Hawaii Bar Owners Association, and numerous concerned individuals supported this bill. The Department of Health (DOH), Hawaii COPD Coalition, Coalition for a Tobacco-Free Hawaii, American Lung Association in Hawaii, American Cancer Society, American Heart Association, and numerous concerned individuals opposed this measure. Three individuals submitted comments.



Your Committee notes that:

- (1) Valid concerns exist about the possible dislocation of employees at bars and nightclubs that permit smoking;
- (2) The possibility of installing air-conditioning filters to try to minimize the amount of smoke that remains in bars and nightclubs that permit smoking was raised,

and encourages your Committee on Judiciary to further consider and explore these important issues.

After careful consideration, your Committee has amended this bill by:

- (1) Permitting smoking in bars and nightclubs in counties with a population of at least 700,000 that:
  - (A) Hold a dispenser or cabaret license;
  - (B) Post sufficient signage;
  - (C) Obtain a license from DOH; and
  - (D) Provide adequate space within their premises in which smoking is prohibited;
- (2) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2306, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2306, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Economic  
Revitalization & Business,



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ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

**HSCR 609-12**

**Record of Votes of the Committee on Economic Revitalization & Business**

Bill/Resolution No.: <b>HB 2306</b>	Committee Referral: <b>ERB, JUD</b>	Date: <b>2/16/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)		✓		
2. CHOY, Isaac W. (VC)		✓		
3. AWANA, Karen L.		✓		
4. BROWER, Tom		✓		
5. EVANS, Cindy	✓			
6. HASHEM, Mark J.		✓		
7. NISHIMOTO, Scott Y.		✓		
8. TOKIOKA, James Kunane		✓		
9. TSUJI, Clift		✓		
10. MARUMOTO, Barbara C.			✓	
11. PINE, Kymerly Marcos	✓			
<b>TOTAL (11)</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>—</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
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