

ACT 108

H.B. NO. 2169-76

A Bill for an Act Relating to Smoking in Public Places.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. **Purpose.** Increasing evidence demonstrates the health hazards of smoking, not only to the smoker, but also to the nonsmoker who is required to breathe air contaminated by cigarette, cigar, or pipe smoke. A pervasive intrusion of the nonsmoker's right to unpolluted air space is the uncontrolled smoking in public places. The legislature desires to protect the health, comfort, and atmospheric environment of the nonsmoker by regulating smoking in certain places open to the public.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read:

“PART —

Sec. 321- Prohibition of smoking. No person shall smoke or carry a lighted cigar, cigarette, pipe or match in any of the following places owned and operated by the State:

- (1) Enclosed meetings or conference rooms where persons gather;
- (2) Elevators, regardless of capacity;
- (3) Enclosed auditoriums or sports arena; or
- (4) Enclosed community centers where persons gather for meetings, parties or any other purposes.

Sec. 321- Exception. This part shall not apply to any smoking rooms and any other areas that are not enclosed and all other areas where State employees perform normal duties on a daily basis.

Sec. 321- Placard required. All areas where this part applies shall conspicuously display a sign "SMOKING IS PROHIBITED BY LAW."

Sec. 321- Citation. This part shall be enforced by police officers and other persons as may be designated by the director of Health who may issue summons or citations for such violations. The citation shall be in a form adopted or prescribed by the district courts and shall notify the person to appear and answer the charge against him at a certain place and time.

Sec. 321- Ejection. Any police officer may eject from the premises any person to whom a citation has been issued and who continues to smoke after he has been so cited.

Sec. 321- Fine. Any person violating any of the provisions of Sec. 321- shall be guilty of a violation as defined in the Hawaii Penal Code and upon conviction thereof shall be fined a sum no more than \$100."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

(Approved May 14, 1976.)