



nonalcoholic beverages while in the company of the patrons pursuant to commission rules.

SECTION 2. House Bill 1018, H.D. 2, S.D. 2, is amended by adding a new Section 8 to read as follows:

"SECTION 8. Section 328J-1, Hawaii Revised Statutes, is amended by amending the definitions of "bar" and "restaurant" to read as follows:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises regardless of whether food is served, including but not limited to taverns, cocktail lounges, and cabarets, including outdoor areas of bars[-]; provided that establishments operating with a class 16 license issued under section 281-31 shall not be included.

"Restaurant" means an eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere[-]; provided that establishments operating with a class 16 license issued under section 281-31 shall not be included. The term "restaurant" includes a bar area within the restaurant and outdoor areas of restaurants. ""



SECTION 3. House Bill 1018, H.D. 2, S.D. 2, is amended by adding a new Section 9 to read as follows:

"SECTION 9. Section 328J-7, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) Private residences, except when used as a licensed child care, adult day care, or health care facility;
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty per cent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor shall be contiguous and smoke from these rooms shall not infiltrate into areas where smoking is prohibited under this chapter. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
- (3) Retail tobacco stores; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter;



(4) Establishments operating with a class 16 smoking establishment dispensers' license issued under section 281-31;

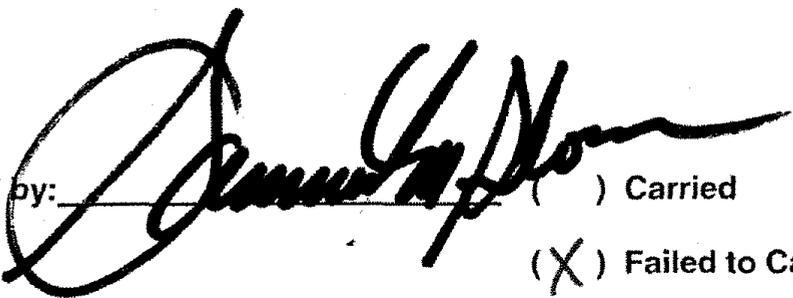
[+4+] (5) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter;

[+5+] (6) Outdoor areas of places of employment except those covered by the provisions of sections 328J-3 and 328J-5;

[+6+] (7) All areas covered by this chapter when smoking is part of a production being filmed; and

[+7+] (8) State correctional facilities."

SECTION 4. House Bill 1018, H.D. 2, S.D. 2, is amended by renumbering Sections 8 and 9 as Sections 10 and 11, respectively.

Offered by: 

( ) Carried

(X) Failed to Carry

( ) Withdrawn

