
A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Section 328J, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:
4 "Private establishment" means any establishment organized
5 for any purpose including but not limited to dining, drinking of
6 alcoholic beverages, entertainment, sporting activity, cultural
7 activity, fellowship, or any other purpose, that is closed to
8 the general public and to which only bona fide members who pay a
9 membership fee may be admitted. In order to ensure bona fide
10 membership, a membership fee shall cover membership for at least
11 twelve months and shall be paid annually or at most on a semi-
12 annual basis."

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

15 "[+]§328J-7[+] **Exceptions.** Notwithstanding any other
16 provision of this chapter to the contrary, the following areas
17 shall be exempt from the provisions of sections 328J-3, 328J-4,
18 and 328J-5:



- 1 (1) Private residences, except when used as a licensed
2 child care, adult day care, or health care facility;
- 3 (2) Hotel and motel rooms that are rented to guests and
4 are designated as smoking rooms; provided that not
5 more than twenty per cent of rooms rented to guests in
6 a hotel or motel may be so designated. All smoking
7 rooms on the same floor shall be contiguous and smoke
8 from these rooms shall not infiltrate into areas where
9 smoking is prohibited under this chapter. The status
10 of rooms as smoking or nonsmoking may not be changed,
11 except to add additional nonsmoking rooms;
- 12 (3) Retail tobacco stores; provided that smoke from these
13 places shall not infiltrate into areas where smoking
14 is prohibited under this chapter;
- 15 (4) Private and semiprivate rooms in nursing homes and
16 long-term care facilities that are occupied by one or
17 more persons, all of whom are smokers and have
18 requested in writing to be placed in a room where
19 smoking is permitted; provided that smoke from these
20 places shall not infiltrate into areas where smoking
21 is prohibited under this chapter;



- 1 (5) Outdoor areas of places of employment except those
- 2 covered by the provisions of sections 328J-3 and
- 3 328J-5;
- 4 (6) All areas covered by this chapter when smoking is part
- 5 of a production being filmed; [~~and~~]
- 6 (7) State correctional facilities[~~-~~]; and
- 7 (8) Private establishments; provided that:
- 8 (A) A room or rooms are designated as smoking rooms
- 9 for the use of members or staff employed at the
- 10 private establishment and smoke from these rooms
- 11 shall not infiltrate into areas that are not
- 12 designated as smoking rooms. A smoking room may
- 13 not be a room where employees of the private
- 14 establishment may be unwillingly exposed to
- 15 cigarette, cigar, or pipe smoke in the course of
- 16 carrying out their duties; and
- 17 (B) A clearly legible sign that includes the words
- 18 "Smoking Area Within" with letters of not less
- 19 than one inch in height is clearly and
- 20 conspicuously posted in and at the entrance by
- 21 the owner, operator, manager, or other person in
- 22 control of that establishment."



H.B. NO. 198

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Cindy Evans*

JAN 18 2007



Report Title:

Smoking; Private Establishments; Exemption

Description:

Allows smoking in designated smoking rooms in private establishments; provided that employees are not unwillingly exposed to smoke and a sign is posted to warn the public. Defines "private establishment."

