

A Bill for an Act Relating to Correctional Facilities.

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

SECTION 1. 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) 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) Outdoor areas of places of employment except those covered by the provisions of sections 328J-3 and 328J-5;
- (6) All areas covered by this chapter when smoking is part of a production being filmed; and
- (7) State correctional ~~facilities~~; provided that smoking shall only be authorized for employees and volunteers of a correctional facility in an area outside the secure confines of a correctional facility restricted from access by inmates or detainees that has been designated by the warden of a correctional facility.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 3. This Act shall take effect on July 1, 2009.

(Approved June 8, 2009.)