

JAN 19 2007

A BILL FOR AN ACT

RELATING TO SMOKING.

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

1 SECTION 1. Section 328J-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Stand-alone adult entertainment business" means an
5 establishment, including a bar or nightclub that is self-
6 contained and is not part of or connected to a restaurant, in
7 which an activity to which a minor would not be able to legally
8 gain admittance is conducted, including but not limited to:

9 (1) Performing of exotic entertainment;

10 (2) Nude, exotic, or lap dancing; or

11 (3) Showing of film, video, still picture, electronic
12 reproduction, or other visual reproduction depicting:

13 (A) Acts or simulated acts of sexual intercourse,
14 masturbation, sodomy, bestiality, oral
15 copulation, flagellation, or any sexual acts that
16 are prohibited by law;



- 1 (B) Any person being touched, caressed, or fondled on
- 2 the breast, buttocks, anus, or genitalia;
- 3 (C) Scenes wherein a person displays the anus or
- 4 genitalia; or
- 5 (D) Scenes wherein artificial devices or inanimate
- 6 objects are employed to depict, or drawings are
- 7 employed to portray, any of the prohibited
- 8 activities described above."

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

11 "~~§~~328J-7 ~~§~~ **Exceptions.** Notwithstanding any other
12 provision of this chapter to the contrary, the following areas
13 shall be exempt from the provisions of sections 328J-3, 328J-4,
14 and 328J-5:

- 15 (1) Private residences, except when used as a licensed
- 16 child care, adult day care, or health care facility;
- 17 (2) Hotel and motel rooms that are rented to guests and
- 18 are designated as smoking rooms; provided that not
- 19 more than twenty per cent of rooms rented to guests in
- 20 a hotel or motel may be so designated. All smoking
- 21 rooms on the same floor shall be contiguous and smoke
- 22 from these rooms shall not infiltrate into areas where



1 smoking is prohibited under this chapter. The status
2 of rooms as smoking or nonsmoking may not be changed,
3 except to add additional nonsmoking rooms;

4 (3) Retail tobacco stores; provided that smoke from these
5 places shall not infiltrate into areas where smoking
6 is prohibited under this chapter;

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

14 (5) Outdoor areas of places of employment except those
15 covered by the provisions of sections 328J-3 and
16 328J-5;

17 (6) All areas covered by this chapter when smoking is part
18 of a production being filmed; ~~and~~

19 (7) State correctional facilities ~~[]~~; and

20 (8) Stand-alone adult entertainment businesses; provided
21 that a clearly legible sign with letters of not less
22 than one inch in height is displayed outside the



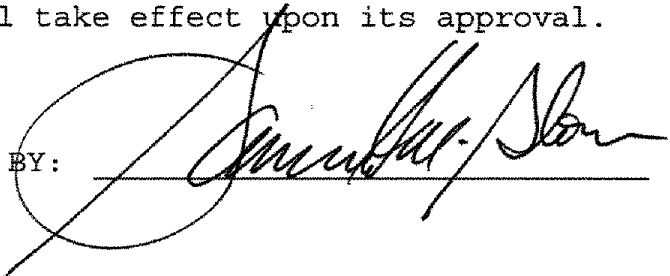
1 premises warning the public that the establishment
2 permits smoking within the premises."

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

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

6

INTRODUCED BY:



Report Title:

Smoking; Stand-Alone Adult Entertainment Businesses; Exception

Description:

Allows smoking in a stand-alone adult entertainment business, providing signage outside the premises warns that smoking is permitted within the premises. Adds definition of "stand-alone adult entertainment business".

