

Hawaii Smoke-Free Law FAQ

1. What is the Hawaii Smoke-Free Law? The Hawaii State Legislature recently passed a comprehensive Smoke-Free Law that will affect employers statewide. Smoking will be prohibited in all “enclosed or partially enclosed” businesses, state and county facilities, or places open to the public.

2. When will the Hawaii Smoke-Free Law go into effect? The law takes effect on November 16, 2006.

3. What places are included in the new law? Under the new law:

- Smoking is not allowed in enclosed or partially enclosed places of employment. As defined in the measure, “enclosed or partially enclosed” means any area closed in by a roof or overhang and two walls and includes, but is not limited to, restrooms, lobbies, lanais, interior courtyards, patios and covered walkways.
- Smoking is not allowed in facilities owned by the state or the counties.
- Smoking is not allowed in enclosed or partially enclosed places open to the public. This includes buses and taxicabs.
- Smoking is not allowed in sports arenas, outdoor arenas, stadiums, and amphitheaters.
- No smoking is allowed within 20 feet of the entrances, exits, and ventilation intakes of any of the above facilities.

4. Are there any exceptions to the law? There are five exceptions:

- Private residences, except when used as a licensed child care, day care, or health care facility
- Hotel and motel rooms designated as smoking and that comply with state regulations
- Retail tobacco stores where the smoke cannot affect non-smoking areas
- Private and semi-private rooms designated as smoking in nursing homes
- State correctional facilities

5. What does my business need to do to comply with the Hawaii Smoke-Free Law? All businesses are required to do the following:

- Post a sign with “Smoking Prohibited by Law” or the international “No Smoking” symbol (a picture of a burning cigarette in a red circle with a red bar across the cigarette) at each entrance. If words are used, the letters must be at least one-inch high and legible. The sign should be conspicuous.
- Implement the non-smoking policy.
- Inform people in the place of business if they are in violation of the new law.

6. What happens if a business does not comply with the law? The business will be subject to fines. Repeated offenses could result in the loss of permits and licenses. Anyone caught smoking in a restricted area can be fined up to \$50 for the first violation. Building and/or business owners, managers, and employers also can be fined up to \$100 for the first violation, \$200 for the second violation within one year, and \$500 for each additional violation within one year.

7. Do I need to post a sign? Yes. A “No Smoking” sign or a sign with the international “No Smoking” symbol must be prominently posted and properly maintained. You can find these signs at your local office supply, hardware, or home improvement store.

8. *How do I deal with people who want to smoke?* You or your staff must remind them of the law and can politely explain that they must step outside to smoke at least 20 feet from any entrance, window, or ventilation intake.

9. *What if they smoke in a smoke-free area?* They must be asked to stop smoking or move to an area where smoking is allowed. If they refuse, they could be cited and fined.

10. *What if I choose not to ask customers to stop smoking?* If you fail to comply with the law, an employee or member of the public may file a complaint.

11. *How do I file a complaint?* The state Department of Health is responsible for enforcing the law. Building owners, managers, and employers are responsible for making sure that employees understand and comply with the law.

12. *How can I get more information on the law?* You can call the ALTRES Smoke-Free Law hotline at **591-3223**. Additional resources can be found on the ALTRES website at altres.com/smokefreelaw, including a copy of the full legislative bill.

13. *Where can I get information on quitting?* If you or your employees smoke and want to quit, call the Hawaii Tobacco Quitline at 1-800-QUIT-NOW (1-800-784-8669).

14. *What online resources are available to help businesses educate their employees or inform customers?* For more information on the Smoke Free Law, visit our partner site:

Hawaii's Smoke-Free Law
hawaiismokefree.com

For information on quitting smoking, here is a sample of smoking cessation websites:

Hawaii State Department of Health
hawaii.gov/health

Call It Quits- The Hawaii Tobacco Quitline
callitquitshawaii.org

American Lung Association
ALA-Hawaii.org

HMSA Ready, Set, Quit
HMSA.com/myhealth/programs/rsq