



## Bill would allow smoking in bars

### Some establishments ignore the ban and are going unpunished

By Mark Niese  
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Defiant bar owners are pushing proposals that would let customers smoke while they drink, despite a statewide ban on smoking in public places.

One such bill would get around Hawaii's no-smoking law by creating a new kind of liquor license that allows establishments to permit smoking. Lawmakers will hear the idea tomorrow.

The legislation has emerged as more than a dozen bars throughout the state are now openly breaking the smoking law by allowing their customers to light up inside their businesses. Local police so far have not issued any citations.

"We are not scofflaws. We are local people trying to survive in a hard economy," said Kawika Crowley, co-chairman of Americans for Freedom of Choice, a Hawaii pro-smoking group. "It's not about public health or public safety."

Several legislators who support the smoking exemption for bar owners said the proposal has a chance of becoming law, even though a similar bill died in the Health Committee last week.

"The people who go into bars are grownups. Smoking and drinking have gone together for many years," said Rep. Colleen Meyer (R, Laie-Kahaluu).

Hawaii's smoking ban, which took effect in November, covers open malls and Hawaii's many popular year-round outdoor dining spots, and it doesn't allow bars or offices to set aside rooms for smokers. The proposed exemption to the law would permit bars to have smoking anywhere.

Deborah Zysman, director of the Coalition for a Tobacco Free Hawaii, said the state would be reversing the progress it has made toward protecting the public from secondhand smoke if it approves an exemption for bars.

"We're talking about taking a major step back," Zysman said. "Right now, the law is fair and equitable. It's a level playing field for all employers, regardless of what industry they work in."

A smoking exemption for bars was revived when the leadership of the overwhelmingly Democratic state Legislature assigned the bill to the Judiciary Committee, where it will stand a better chance than it did in the Health Committee, Meyer said. She proposed a similar bill that exempts bars from the law as long as they post a sign warning the public that smoking is permitted inside.

"This bill gives people a choice," said Gene Ward (R, Kalama Valley-Hawaii Kai). "We're doing too much, too fast, too vehemently to a group that we're making into second-class citizens."

Sixteen states have banned smoking in public places. Hawaii's law calls for penalties starting at \$100 and increasing up to \$500 after the third offense. Bars could eventually lose their liquor licenses, and customers could face \$50 fines.

Many bar owners didn't feel like they had much of an opportunity to argue against the law when it was passed last year, said Jolyn Tenn, co-chairwoman of the Hawaii Smoker's Alliance. Although lawmakers held hearings on the issue, the public didn't become aware of the proposal until it was too late, she said.

"People never hear about things until it's a done deal," she said. "We can make this stop right now if we all decide to play nicely on the playground."