



General Assembly

January Session, 2019

Committee Bill No. 5139

LCO No. 6255



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING TOBACCO BARS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-342 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) As used in this section, "smoke" or "smoking" means the lighting
4 or carrying of a lighted cigarette, cigar, pipe or similar device.

5 (b) (1) Notwithstanding the provisions of section 31-40q, no person
6 shall smoke: (A) In any building or portion of a building, partially
7 enclosed shelter on a rail platform or bus shelter owned and operated
8 or leased and operated by the state or any political subdivision thereof;
9 (B) in any area of a health care institution; (C) in any area of a retail
10 food store; (D) in any restaurant; (E) in any area of an establishment
11 with a permit issued for the sale of alcoholic liquor pursuant to section
12 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-
13 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a
14 permit for the sale of alcoholic liquor pursuant to section 30-23 issued
15 after May 1, 2003, and, on and after April 1, 2004, in any area of an
16 establishment with a permit issued for the sale of alcoholic liquor

17 pursuant to section 30-22a or 30-26 or the bar area of a bowling
18 establishment holding a permit pursuant to subsection (a) of section
19 30-37c; (F) within a school building while school is in session or
20 student activities are being conducted; (G) in any passenger elevator,
21 provided no person shall be arrested for violating this subsection
22 unless there is posted in such elevator a sign which indicates that
23 smoking is prohibited by state law; (H) in any dormitory in any public
24 or private institution of higher education; or (I) on and after April 1,
25 2004, in any area of a dog race track or a facility equipped with screens
26 for the simulcasting of off-track betting race programs or jai alai
27 games. For purposes of this subsection, "restaurant" means space, in a
28 suitable and permanent building, kept, used, maintained, advertised
29 and held out to the public to be a place where meals are regularly
30 served to the public.

31 (2) This section shall not apply to (A) correctional facilities; (B)
32 designated smoking areas in psychiatric facilities; (C) public housing
33 projects, as defined in subsection (b) of section 21a-278a; (D) any
34 classroom where demonstration smoking is taking place as part of a
35 medical or scientific experiment or lesson; (E) smoking rooms
36 provided by employers for employees, pursuant to section 31-40q; (F)
37 notwithstanding the provisions of subparagraph (E) of subdivision (1)
38 of this subsection, the outdoor portion of the premises of any permittee
39 listed in subparagraph (E) of subdivision (1) of this subsection,
40 provided, in the case of any seating area maintained for the service of
41 food, at least seventy-five per cent of the outdoor seating capacity is an
42 area in which smoking is prohibited and which is clearly designated
43 with written signage as a nonsmoking area, except that any temporary
44 seating area established for special events and not used on a regular
45 basis shall not be subject to the smoking prohibition or signage
46 requirements of this subparagraph; (G) any medical research site
47 where smoking is integral to the research being conducted; or (H) any
48 tobacco bar [, provided no tobacco bar shall expand in size or change
49 its location from its size or location as of December 31, 2002]. For
50 purposes of this subdivision, "outdoor" means an area which has no

51 roof or other ceiling enclosure, "tobacco bar" means an establishment
52 with a permit for the sale of alcoholic liquor to consumers issued
53 pursuant to chapter 545 that [, in the calendar year ending December
54 31, 2002, generated ten] generates twenty per cent or more of its total
55 annual gross income from the on-site sale of tobacco products and the
56 rental of on-site humidors, and "tobacco product" means any substance
57 that contains tobacco, including, but not limited to, cigarettes, cigars,
58 pipe tobacco or chewing tobacco.

59 (c) The operator of a hotel, motel or similar lodging may allow
60 guests to smoke in not more than twenty-five per cent of the rooms
61 offered as accommodations to guests.

62 (d) In each room, elevator, area or building in which smoking is
63 prohibited by this section, the person in control of the premises shall
64 post or cause to be posted in a conspicuous place signs stating that
65 smoking is prohibited by state law. Such signs, except in elevators,
66 restaurants, establishments with permits to sell alcoholic liquor to
67 consumers issued pursuant to chapter 545, hotels, motels or similar
68 lodgings, and health care institutions, shall have letters at least four
69 inches high with the principal strokes of letters not less than one-half
70 inch wide.

71 (e) Any person found guilty of smoking in violation of this section,
72 failure to post signs as required by this section or the unauthorized
73 removal of such signs shall have committed an infraction. Nothing in
74 this section shall be construed to require the person in control of a
75 building to post such signs in every room of a building, provided such
76 signs are posted in a conspicuous place in such building.

77 (f) Nothing in this section shall be construed to require any smoking
78 area in any building.

79 (g) The provisions of this section shall supersede and preempt the
80 provisions of any municipal law or ordinance relative to smoking
81 effective prior to, on or after October 1, 1993.

82 Sec. 2. Section 19a-342a of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2019*):

84 (a) As used in this section and section 2 of public act 15-206:

85 (1) "Child care facility" means a provider of child care services as
86 defined in section 19a-77, or a person or entity required to be licensed
87 under section 17a-145;

88 (2) "Electronic nicotine delivery system" means an electronic device
89 that may be used to simulate smoking in the delivery of nicotine or
90 other substances to a person inhaling from the device, and includes,
91 but is not limited to, an electronic cigarette, electronic cigar, electronic
92 cigarillo, electronic pipe or electronic hookah and any related device
93 and any cartridge or other component of such device;

94 (3) "Liquid nicotine container" means a container that holds a liquid
95 substance containing nicotine that is sold, marketed or intended for
96 use in an electronic nicotine delivery system or vapor product, except
97 "liquid nicotine container" does not include such a container that is
98 prefilled and sealed by the manufacturer and not intended to be
99 opened by the consumer; and

100 (4) "Vapor product" means any product that employs a heating
101 element, power source, electronic circuit or other electronic, chemical
102 or mechanical means, regardless of shape or size, to produce a vapor
103 that may or may not include nicotine, that is inhaled by the user of
104 such product, but shall not include a medicinal or therapeutic product
105 used by a (A) licensed health care provider to treat a patient in a health
106 care setting, or (B) a patient, as prescribed or directed by a licensed
107 health care provider in any setting.

108 (b) (1) No person shall use an electronic nicotine delivery system or
109 vapor product: (A) In any building or portion of a building owned and
110 operated or leased and operated by the state or any political
111 subdivision thereof; (B) in any area of a health care institution; (C) in

112 any area of a retail food store; (D) in any restaurant; (E) in any area of
113 an establishment with a permit issued for the sale of alcoholic liquor
114 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
115 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any
116 area of establishment with a permit issued for the sale of alcoholic
117 liquor pursuant to section 30-23 issued after May 1, 2003, or the bar
118 area of a bowling establishment holding a permit pursuant to
119 subsection (a) of section 30-37c; (F) within a school building while
120 school is in session or student activities are being conducted; (G)
121 within a child care facility, except, if the child care facility is a family
122 child care home as defined in section 19a-77, such use is prohibited
123 only when a child enrolled in such home is present; (H) in any
124 passenger elevator, provided no person shall be arrested for violating
125 this subsection unless there is posted in such elevator a sign which
126 indicates that such use is prohibited by state law; (I) in any dormitory
127 in any public or private institution of higher education; or (J) in any
128 area of a dog race track or a facility equipped with screens for the
129 simulcasting of off-track betting race programs or jai alai games. For
130 purposes of this subsection, "restaurant" means space, in a suitable and
131 permanent building, kept, used, maintained, advertised and held out
132 to the public to be a place where meals are regularly served to the
133 public.

134 (2) This section shall not apply to (A) correctional facilities; (B)
135 designated smoking areas in psychiatric facilities; (C) public housing
136 projects, as defined in subsection (b) of section 21a-278a; (D) any
137 classroom where a demonstration of the use of an electronic nicotine
138 delivery system or vapor product is taking place as part of a medical or
139 scientific experiment or lesson; (E) any medical research site where the
140 use of an electronic nicotine delivery system or vapor product is
141 integral to the research being conducted; (F) establishments without a
142 permit for the sale of alcoholic liquor that sell electronic nicotine
143 delivery systems, vapor products or liquid nicotine containers on-site
144 and allow their customers to use such systems, products or containers
145 on-site; (G) smoking rooms provided by employers for employees,

146 pursuant to section 31-40q; (H) notwithstanding the provisions of
147 subparagraph (E) of subdivision (1) of this subsection, the outdoor
148 portion of the premises of any permittee listed in subparagraph (E) of
149 subdivision (1) of this subsection, provided, in the case of any seating
150 area maintained for the service of food, at least seventy-five per cent of
151 the outdoor seating capacity is an area in which smoking is prohibited
152 and which is clearly designated with written signage as a nonsmoking
153 area, except that any temporary seating area established for special
154 events and not used on a regular basis shall not be subject to the
155 prohibition on the use of an electronic nicotine delivery system or
156 vapor product or the signage requirements of this subparagraph; or (I)
157 any tobacco bar [, provided no tobacco bar shall expand in size or
158 change its location from its size or location as of October 1, 2015]. For
159 purposes of this subdivision, "outdoor" means an area which has no
160 roof or other ceiling enclosure, "tobacco bar" means an establishment
161 with a permit for the sale of alcoholic liquor to consumers issued
162 pursuant to chapter 545 that [, in the calendar year ending December
163 31, 2015, generated ten] generates twenty per cent or more of its total
164 annual gross income from the on-site sale of tobacco products and the
165 rental of on-site humidors, and "tobacco product" means any substance
166 that contains tobacco, including, but not limited to, cigarettes, cigars,
167 pipe tobacco or chewing tobacco.

168 (c) The operator of a hotel, motel or similar lodging may allow
169 guests to use an electronic nicotine delivery system or vapor product
170 in not more than twenty-five per cent of the rooms offered as
171 accommodations to guests.

172 (d) In each room, elevator, area or building in which the use of an
173 electronic nicotine delivery system or vapor product is prohibited by
174 this section, the person in control of the premises shall post or cause to
175 be posted in a conspicuous place signs stating that such use is
176 prohibited by state law. Such signs, except in elevators, restaurants,
177 establishments with permits to sell alcoholic liquor to consumers
178 issued pursuant to chapter 545, hotels, motels or similar lodgings, and

179 health care institutions, shall have letters at least four inches high with
180 the principal strokes of letters not less than one-half inch wide.

181 (e) Any person found guilty of using an electronic nicotine delivery
182 system or vapor product in violation of this section, failure to post
183 signs as required by this section or the unauthorized removal of such
184 signs shall have committed an infraction.

185 (f) Nothing in this section shall be construed to require the
186 designation of any area for the use of electronic nicotine delivery
187 system or vapor product in any building.

188 (g) The provisions of this section shall supersede and preempt the
189 provisions of any municipal law or ordinance relative to the use of an
190 electronic nicotine delivery system or vapor product effective prior to,
191 on or after October 1, 2015.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	19a-342
Sec. 2	October 1, 2019	19a-342a

Statement of Purpose:

To allow for the expansion, change in location and establishment of tobacco bars.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. PERILLO, 113th Dist.; REP. DAVIS C., 57th Dist.
REP. MICHEL, 146th Dist.

H.B. 5139