



General Assembly

February Session, 2020

Raised Bill No. 5297

LCO No. 2040



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 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

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

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

16 2003, and, on and after April 1, 2004, in any area of an establishment
17 with a permit issued for the sale of alcoholic liquor pursuant to section
18 30-22a or 30-26 or the bar area of a bowling establishment holding a
19 permit pursuant to subsection (a) of section 30-37c; (F) within a school
20 building or on the grounds of such school; (G) within a child care facility
21 or on the grounds of such child care facility, except, if the child care
22 facility is a family child care home, as defined in section 19a-77, such
23 smoking is prohibited only when a child enrolled in such home is
24 present; (H) in any passenger elevator, provided no person shall be
25 arrested for violating this subsection unless there is posted in such
26 elevator a sign which indicates that smoking is prohibited by state law;
27 (I) in any dormitory in any public or private institution of higher
28 education; or (J) on and after April 1, 2004, in any area of a dog race track
29 or a facility equipped with screens for the simulcasting of off-track
30 betting race programs or jai alai games. For purposes of this subsection,
31 "restaurant" means space, in a suitable and permanent building, kept,
32 used, maintained, advertised and held out to the public to be a place
33 where meals are regularly served to the public, "school" has the same
34 meaning as provided in section 10-154a and "child care facility" has the
35 same meaning as provided in section 19a-342a.

36 (2) This section shall not apply to (A) correctional facilities; (B)
37 designated smoking areas in psychiatric facilities; (C) public housing
38 projects, as defined in subsection (b) of section 21a-278a; (D) any
39 classroom where demonstration smoking is taking place as part of a
40 medical or scientific experiment or lesson; (E) smoking rooms provided
41 by employers for employees, pursuant to section 31-40q; (F)
42 notwithstanding the provisions of subparagraph (E) of subdivision (1)
43 of this subsection, the outdoor portion of the premises of any permittee
44 listed in subparagraph (E) of subdivision (1) of this subsection,
45 provided, in the case of any seating area maintained for the service of
46 food, at least seventy-five per cent of the outdoor seating capacity is an
47 area in which smoking is prohibited and which is clearly designated
48 with written signage as a nonsmoking area, except that any temporary
49 seating area established for special events and not used on a regular
50 basis shall not be subject to the smoking prohibition or signage

51 requirements of this subparagraph; (G) any medical research site where
52 smoking is integral to the research being conducted; or (H) any tobacco
53 bar, provided [no tobacco bar shall expand in size or change its location
54 from its size or location as of December 31, 2002] a tobacco bar that first
55 begins operating on or after October 1, 2020, shall (i) be located in a
56 stand-alone building, (ii) have a walk-in humidor on the premises, (iii)
57 not be located within a three-mile radius of any existing tobacco bar,
58 unless allowed pursuant to municipal zoning, or (iv) if such tobacco bar
59 is connected to another building, use its own heating, ventilation or air
60 conditioning system to prevent the comingling of air. For purposes of
61 this subdivision, "outdoor" means an area which has no roof or other
62 ceiling enclosure, "tobacco bar" means an establishment with a permit
63 for the sale of alcoholic liquor to consumers issued pursuant to chapter
64 545 that, (I) in the calendar year ending December 31, 2002, generated
65 ten per cent or more of its total annual gross income from the on-site
66 sale of tobacco products and the rental of on-site humidors, or (II) for
67 any tobacco bar that first begins operating on or after October 1, 2020,
68 generates fifty-one per cent or more of its total annual gross income in a
69 calendar year from the on-site sale of tobacco products and the rental of
70 on-site humidors, and "tobacco product" means any substance that
71 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
72 tobacco or chewing tobacco.

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

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

85 (e) Any person found guilty of smoking in violation of this section,
86 failure to post signs as required by this section or the unauthorized
87 removal of such signs shall have committed an infraction. Nothing in
88 this section shall be construed to require the person in control of a
89 building to post such signs in every room of a building, provided such
90 signs are posted in a conspicuous place in such building.

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

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

96 Sec. 2. Section 19a-342a of the 2020 supplement to the general statutes
97 is repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2020*):

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

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

103 (2) "Electronic nicotine delivery system" has the same meaning as
104 provided in section 21a-415;

105 (3) "Liquid nicotine container" means a container that holds a liquid
106 substance containing nicotine that is sold, marketed or intended for use
107 in an electronic nicotine delivery system or vapor product, except
108 "liquid nicotine container" does not include such a container that is
109 prefilled and sealed by the manufacturer and not intended to be opened
110 by the consumer; and

111 (4) "Vapor product" has the same meaning as provided in section 21a-
112 415.

113 (b) (1) No person shall use an electronic nicotine delivery system or

114 vapor product: (A) In any building or portion of a building owned and
115 operated or leased and operated by the state or any political subdivision
116 thereof; (B) in any area of a health care institution; (C) in any area of a
117 retail food store; (D) in any restaurant; (E) in any area of an
118 establishment with a permit issued for the sale of alcoholic liquor
119 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-
120 28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of
121 establishment with a permit issued for the sale of alcoholic liquor
122 pursuant to section 30-23 issued after May 1, 2003, or the bar area of a
123 bowling establishment holding a permit pursuant to subsection (a) of
124 section 30-37c; (F) within a school building or on the grounds of such
125 school; (G) within a child care facility or on the grounds of such child
126 care facility, except, if the child care facility is a family child care home
127 as defined in section 19a-77, such use is prohibited only when a child
128 enrolled in such home is present; (H) in any passenger elevator,
129 provided no person shall be arrested for violating this subsection unless
130 there is posted in such elevator a sign which indicates that such use is
131 prohibited by state law; (I) in any dormitory in any public or private
132 institution of higher education; or (J) in any area of a dog race track or a
133 facility equipped with screens for the simulcasting of off-track betting
134 race programs or jai alai games. For purposes of this subsection,
135 "restaurant" means space, in a suitable and permanent building, kept,
136 used, maintained, advertised and held out to the public to be a place
137 where meals are regularly served to the public, and "school" has the
138 same meaning as provided in section 10-154a.

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

149 customers to use such systems, products or containers on-site; (G)
150 smoking rooms provided by employers for employees, pursuant to
151 section 31-40q; (H) notwithstanding the provisions of subparagraph (E)
152 of subdivision (1) of this subsection, the outdoor portion of the premises
153 of any permittee listed in subparagraph (E) of subdivision (1) of this
154 subsection, provided, in the case of any seating area maintained for the
155 service of food, at least seventy-five per cent of the outdoor seating
156 capacity is an area in which smoking is prohibited and which is clearly
157 designated with written signage as a nonsmoking area, except that any
158 temporary seating area established for special events and not used on a
159 regular basis shall not be subject to the prohibition on the use of an
160 electronic nicotine delivery system or vapor product or the signage
161 requirements of this subparagraph; or (I) any tobacco bar, provided [no
162 tobacco bar shall expand in size or change its location from its size or
163 location as of October 1, 2015] a tobacco bar that first begins operating
164 on or after October 1, 2020, shall (i) be located in a stand-alone building,
165 (ii) have a walk-in humidor on the premises, (iii) not be located within
166 a three-mile radius of any existing tobacco bar, unless allowed pursuant
167 to municipal zoning, or (iv) if such tobacco bar is connected to another
168 building, use its own heating, ventilation or air conditioning system to
169 prevent the comingling of air. For purposes of this subdivision,
170 "outdoor" means an area which has no roof or other ceiling enclosure,
171 "tobacco bar" means an establishment with a permit for the sale of
172 alcoholic liquor to consumers issued pursuant to chapter 545 that, (I) in
173 the calendar year ending December 31, 2015, generated ten per cent or
174 more of its total annual gross income from the on-site sale of tobacco
175 products and the rental of on-site humidors, or (II) for any tobacco bar
176 that first begins operating on or after October 1, 2020, generates fifty-
177 one per cent or more of its total annual gross income in a calendar year
178 from the on-site sale of tobacco products and the rental of on-site
179 humidors, and "tobacco product" means any substance that contains
180 tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or
181 chewing tobacco.

182 (c) The operator of a hotel, motel or similar lodging may allow guests
183 to use an electronic nicotine delivery system or vapor product in not

184 more than twenty-five per cent of the rooms offered as accommodations
185 to guests.

186 (d) In each room, elevator, area or building in which the use of an
187 electronic nicotine delivery system or vapor product is prohibited by
188 this section, the person in control of the premises shall post or cause to
189 be posted in a conspicuous place signs stating that such use is prohibited
190 by state law. Such signs, except in elevators, restaurants, establishments
191 with permits to sell alcoholic liquor to consumers issued pursuant to
192 chapter 545, hotels, motels or similar lodgings, and health care
193 institutions, shall have letters at least four inches high with the principal
194 strokes of letters not less than one-half inch wide.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	19a-342
Sec. 2	<i>October 1, 2020</i>	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.]