



Senate

General Assembly

File No. 167

January Session, 2001

Substitute Senate Bill No. 1025

Senate, April 9, 2001

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING SMOKING IN PUBLIC PLACES.

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

1 Subsection (b) of section 19a-342 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (b) No person shall smoke: (1) In any building or portion of a
4 building owned or leased and operated by the state or any political
5 subdivision thereof, except in a smoking area; (2) in any area of a
6 health care institution other than a smoking area, provided the
7 smoking area may not be the institution's only waiting area, and notice
8 shall be posted at entrances to such institutions that smoking is
9 prohibited by state law; (3) in any area of a retail food store open to the
10 general public; (4) in any [public area of a restaurant having a seating
11 capacity of seventy-five or more persons, unless a sign is posted which
12 indicates that smoking is permitted in such area, provided (i) no such
13 restaurant shall be designated, in its entirety, as a smoking area, (ii)
14 smoking may be prohibited in rooms used for private social functions,

15 and (iii) a sign is posted at the entrance of the restaurant indicating the
16 availability of nonsmoking areas] area of public accommodation; (5)
17 notwithstanding the provisions of section 31-40q, within a public
18 school building while school is in session or student activities are being
19 conducted; and (6) in any passenger elevator, provided no person shall
20 be arrested for violating this subsection unless there is posted in such
21 room or elevator a sign which indicates that smoking is prohibited by
22 state law. This subsection shall not apply to correctional facilities,
23 [dormitory rooms in any public institution of higher education,]
24 psychiatric facilities, public housing projects, as defined in subsection
25 (b) of section 21a-278a, or classrooms where demonstration smoking is
26 taking place as part of a medical or scientific experiment or lesson.

PH *JOINT FAVORABLE SUBST.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Revenue Gain

Affected Agencies: Judicial Department, Constituent Units of Higher Education

Municipal Impact: None

Explanation

State and Municipal Impact:

Passage of this bill may lead to a minimal revenue gain from an anticipated increase in the number of infractions. Under current law, a fine of \$60 may be imposed upon parties found in violation of Section 19a - 342 CGS. The state collects less than \$2,000 annually as a result. Although the bill expands significantly the areas subject to a prohibition on smoking, based on existing compliance and enforcement experience, only a minimal revenue gain is anticipated.

It is expected that any additional workload for state or local officials who pursue enforcement activities can be accommodated within their normally budgeted resources.

OLR Bill Analysis

sSB 1025

AN ACT PROHIBITING SMOKING IN PUBLIC PLACES.**SUMMARY:**

This bill extends state prohibitions on smoking to (1) any area open to the public and (2) dormitory rooms in public higher education institutions.

Current law prohibits smoking in any public area of a restaurant seating at least 75 people, unless a sign is posted allowing smoking in a designated area. But such a restaurant may not allow smoking in the entire restaurant and may prohibit it in rooms used for private social functions. The bill eliminates any references to restaurants and extends the smoking ban to all areas of public accommodation.

Current law also prohibits smoking in any (1) building or portion of it owned or leased and operated by the state or any political subdivision, except in a smoking area; (2) area of a health care institution other than a smoking area, as long as it is not the facility's only waiting room; (3) area of a retail food store open to the public; (4) a public school building while school is in session or student activities are taking place; and (5) passenger elevator. These smoking prohibitions do not apply to correctional facilities, dormitory rooms in a public higher education institution, psychiatric facilities, public housing projects, or classrooms where demonstration smoking is taking place as part of a medical or scientific lesson.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Area of Public Accommodation***

While the bill does not define "area of public accommodation," existing law on discriminatory practices defines "place of public

accommodation, resort, or amusement” as any establishment which caters or offers its services or facilities or goods to the general public, including any commercial property or building lot, intended for construction or offered for sale or rent (CGS § 46a-63).

Related Bill

SB 1029, favorably reported by the Public Health Committee allows municipalities to regulate smoking beyond what is covered by state law.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 15 Nay 8