



General Assembly

February Session, 2004

Raised Bill No. 441

LCO No. 1785

01785 _____ GL_

Referred to Committee on General Law

Introduced by:

(GL)

AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO CONSUMER PROTECTION STATUTES.

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

1 Section 1. Subdivision (1) of subsection (b) of section 19a-342 of the
2 general statutes, as amended by section 1 of public act 03-45 and
3 section 33 of public act 03-3 of the June 30 special session, is repealed
4 and the following is substituted in lieu thereof (*Effective October 1,*
5 *2004*):

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

16 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,
17 in any area of an establishment with a permit issued for the sale of
18 alcoholic liquor pursuant to section 30-22a, as amended, or 30-26 or
19 the bar area of a bowling establishment holding a permit pursuant to
20 subsection (a) of section 30-37c; (F) within a school building while
21 school is in session or student activities are being conducted; (G) in any
22 passenger elevator, provided no person shall be arrested for violating
23 this subsection unless there is posted in such elevator a sign which
24 indicates that smoking is prohibited by state law; (H) in any dormitory
25 in any public or private institution of higher education; or (I) on and
26 after April 1, 2004, in any area of a dog race track or a facility equipped
27 with screens for the simulcasting of off-track betting race programs or
28 jai alai games. For purposes of this subsection, "restaurant" means
29 space, in a suitable and permanent building, kept, used, maintained,
30 advertised and held out to the public to be a place where meals are
31 regularly served to the public.

32 Sec. 2. Subsection (c) of section 30-48 of the general statutes, as
33 amended by section 1 of public act 03-34, is repealed and the following
34 is substituted in lieu thereof (*Effective October 1, 2004*):

35 (c) If there is a proposed change or change in ownership of a retail
36 permit premises, no application for a permit shall be approved until
37 the applicant files with the department an affidavit executed by the
38 applicant stating that all obligations of the predecessor permittee for
39 the purchase of alcoholic liquor at such permit premises have been
40 paid or that such applicant did not receive direct or indirect
41 consideration from the predecessor permittee. If a wholesaler
42 permittee alleges the applicant received direct or indirect consideration
43 from the predecessor permittee or that there [remains] remain
44 outstanding liquor obligations, such wholesaler permittee may file
45 with the department an affidavit, along with supporting
46 documentation to establish receipt of such consideration or
47 outstanding liquor obligations. The [commissioner] Commissioner of
48 Agriculture and Consumer Protection, in the commissioner's sole

49 discretion, shall determine whether a hearing is warranted on such
50 allegations. For the purposes of this subsection, "consideration" means
51 the receipt of legal tender or goods or services for the purchase of
52 alcoholic liquor remaining on the premises of the predecessor
53 permittee, for which bills remain unpaid.

54 Sec. 3. Subdivision (4) of subsection (a) of section 31-40q of the
55 general statutes, as amended by section 2 of public act 03-45, is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2004*):

58 (4) "Business facility" means a structurally enclosed location or
59 portion thereof at which employees perform services for their
60 employer. The term "business facility" [shall] does not include: (A)
61 Facilities listed in subparagraph (A), (C) or (G) of subdivision (2) of
62 subsection (b) of section 19a-342, as amended; (B) any establishment
63 with a permit for the sale of alcoholic liquor pursuant to section 30-23
64 issued on or before May 1, 2003; (C) for any business that is engaged in
65 the testing or development of tobacco or tobacco products, the areas of
66 such business designated for such testing or development; or (D)
67 during the period from October 1, 2003, to April 1, 2004,
68 establishments with a permit issued for the sale of alcoholic liquor
69 pursuant to section 30-22a, as amended, or 30-26 or the bar area of a
70 bowling establishment holding a permit pursuant to subsection (a) of
71 section 30-37c.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

Statement of Purpose:

To make technical changes to certain consumer protection statutes.

[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.]