



General Assembly

February Session, 2004

Amendment

LCO No. 4962

HB0516804962HRO

Offered by:

REP. GREENE, 105th Dist.

REP. DELGOBBO, 70th Dist.

To: House Bill No. 5168

File No. 287

Cal. No. 205

(As Amended By House Amendment Schedule "A")

**"AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH
PROGRAMS FOR THE PUBLIC FINANCING OF CAMPAIGNS FOR
ELECTION TO MUNICIPAL OFFICES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) For the purposes of
4 sections 501 to 505, inclusive, of this act, "designated smoking area"
5 means a separate area of no more than fifty per cent of the square
6 footage of a restaurant, bowling establishment, cafe or tavern permit
7 premises having: (1) Either a physical barrier or an air barrier system
8 that creates an air curtain to prevent drift or penetration of tobacco
9 smoke from a smoking area to a nonsmoking area; and (2) an air
10 ventilation and purification system that has the capacity of an
11 electrically powered hospital grade HEPA Media Filter that cleans all
12 the air in a designated smoking area at the minimum of the American

13 Lung Association's standards and the commercial air cleaner
14 manufacturers' recommended range of six to ten air changes per hour
15 and filters not less than ninety-five per cent of three-tenths micron
16 particulates efficiency, including dust, pollen, mold spores, bacteria,
17 tobacco smoke and allergens and not less than ninety-five per cent
18 removal of gases, vapors, volative organic compounds and odor.

19 Sec. 502. (NEW) (*Effective October 1, 2004*) (a) Notwithstanding the
20 provisions of section 19a-342 of the general statutes, as amended, a
21 restaurant permittee, pursuant to section 30-22 of the general statutes,
22 bowling establishment permittee, pursuant to section 30-37c of the
23 general statutes, cafe permittee, pursuant to section 30-22a of the
24 general statutes or tavern permittee, pursuant to section 30-26 of the
25 general statutes may permit smoking in designated smoking areas if
26 such permittee obtains a smoking permit from the Commissioner of
27 Agriculture and Consumer Protection to allow smoking in such areas.

28 (b) The Commissioner of Agriculture and Consumer Protection may
29 issue a smoking permit to a restaurant, bowling establishment, cafe or
30 tavern to allow smoking (1) in a designated smoking area; or (2) on the
31 entire permit premises, if (A) the permit premises has less than two
32 thousand square feet of space available for use by the public, (B) its
33 food sales represent thirty per cent or less of its gross sales, and (C) it
34 complies with the provisions of subdivision (2) of section 501 of this
35 act.

36 (c) Upon application or renewal of its liquor permit, a restaurant,
37 bowling establishment, cafe or tavern that has a designated smoking
38 area or that allows smoking pursuant to subsection (b) of this section
39 shall provide the Department of Agriculture and Consumer Protection
40 with proof that the air barrier system and air ventilation and
41 purification system for the designated smoking area are operating and
42 being maintained.

43 (d) The annual fee for a smoking permit shall be two hundred fifty
44 dollars.

45 Sec. 503. (NEW) (*Effective October 1, 2004*) (a) A restaurant permittee,
46 bowling establishment permittee, cafe permittee or tavern permittee
47 with a smoking permit issued pursuant to subdivision (1) of subsection
48 (b) of section 502 of this act shall provide access to restrooms through
49 the nonsmoking area of the premises. Smoking shall be prohibited in
50 the restrooms.

51 (b) A restaurant permittee, bowling establishment permittee, cafe
52 permittee or tavern permittee with a smoking permit shall
53 conspicuously post, at all entrances, a two foot by three foot sign
54 stating: "SMOKING IS PERMITTED IN DESIGNATED AREAS IN
55 THIS ESTABLISHMENT".

56 Sec. 504. (NEW) (*Effective October 1, 2004*) (a) On and after the
57 effective date of this section, a restaurant permittee, bowling
58 establishment permittee, cafe permittee or tavern permittee with a
59 designated smoking area shall allow its employees the option of
60 working only in the nonsmoking portion of the establishment. Such a
61 permittee who fails to allow such option shall be subject to a civil
62 penalty of two thousand dollars for each offense. After a third offense,
63 such permittee shall be subject to the revocation of its liquor permit by
64 the Department of Agriculture and Consumer Protection pursuant to
65 section 30-47 of the general statutes.

66 (b) On and after the effective date of this section, a restaurant
67 permittee, bowling establishment permittee, cafe permittee or tavern
68 permittee with a smoking permit shall inform prospective employees
69 that such permittee has a smoking permit and that the second-hand
70 smoke within the permit premises may be harmful to such prospective
71 employee's health. The permittee shall require each new and existing
72 employee to sign a statement that such employee has been so
73 informed.

74 (c) A restaurant permittee, bowling establishment permittee, cafe
75 permittee or tavern permittee with a smoking permit for a separate
76 smoking area shall post a sign in a conspicuous location within the

77 permit premises notifying employees of their right to work in a
78 nonsmoking environment in a permit premises with designated
79 smoking areas.

80 Sec. 505. (NEW) (*Effective October 1, 2004*) The Department of
81 Agriculture and Consumer Protection, as part of its routine inspections
82 of permit premises, shall inspect the air barrier system and air
83 ventilation and purification system required in a designated smoking
84 room of a restaurant permittee, bowling establishment permittee, cafe
85 permittee or tavern permittee that holds a smoking permit pursuant to
86 section 502 of this act. The department shall determine if such systems
87 are operating and are being maintained within the manufacturer's
88 required maintenance schedules. The department shall also inspect
89 maintenance logs kept by such permittees. Failure to pass three such
90 routine inspections of permit premises shall result in a two-thousand
91 dollar civil penalty.

92 Sec. 506. Subsection (b) of section 30-6a of the general statutes, as
93 amended by section 146 of public act 03-6 of the June 30 special
94 session, is repealed and the following is substituted in lieu thereof
95 (*Effective October 1, 2004*):

96 (b) More specifically, with respect to part V of this chapter, the
97 Department of Agriculture and Consumer Protection may adopt in
98 accordance with the provisions of chapter 54 regulations that are
99 necessary to (1) carry out the purposes of section 30-64, as amended,
100 and prevent the circumvention thereof by the offering or giving of any
101 rebate, allowance, free goods, discount or any other thing or service of
102 value; (2) permit the withdrawal of, an addition to, a deletion from or
103 an amendment of any schedule, or a modification of prices therein,
104 when not inconsistent with the purposes of said section 30-64,
105 whenever necessary to avoid practical difficulties or unnecessary
106 hardships to any permittee affected by said section 30-64 or because of
107 acts or circumstances beyond the control of such permittee and under
108 such terms and conditions as are necessary to carry out the purposes of
109 said section 30-64; (3) permit the sale by a retailer of a brand of

110 alcoholic liquor or wine for which a schedule of suggested consumer
111 resale prices has not been and cannot be filed, whenever necessary to
112 avoid practical difficulties or unnecessary hardships to any permittee
113 affected by said section 30-64 or because of acts or circumstances
114 beyond the control of such permittee, and under such terms and
115 conditions as are necessary to carry out the purposes of said section 30-
116 64; (4) subject to the provisions of section 30-63e, permit the closeout of
117 a brand for the purpose of discontinuing its sale, under such terms and
118 conditions as are necessary to carry out the purposes of said section 30-
119 64; (5) carry out the purposes of sections 30-68k to 30-68m, inclusive,
120 and section 30-76a and prevent their circumvention; (6) on verified
121 application, and for good cause shown, permit any adjustment or
122 change of any item on the schedule required to be filed under section
123 30-63, as amended, and said section 30-64; [and] (7) permit the sale at a
124 price which is less than cost by a supplier, wholesaler or retailer for
125 any item of alcoholic liquor, except beer, that is damaged or
126 deteriorated in quality, or, subject to the provisions of section 30-63f,
127 permit the closeout of a brand or size for the purpose of discontinuing
128 its sale, under such terms and conditions as are necessary to carry out
129 the purposes of sections 30-68k to 30-68m, inclusive, and section 30-
130 76a; and (8) carry out the provisions of sections 501 to 505, inclusive, of
131 this act.

132 Sec. 507. Subdivision (4) of subsection (a) of section 31-40q of the
133 general statutes, as amended by section 2 of public act 03-45, and
134 section 3 of public act 03-235, is repealed and the following is
135 substituted in lieu thereof (*Effective from passage*):

136 (4) "Business facility" means a structurally enclosed location or
137 portion thereof at which employees perform services for their
138 employer. The term "business facility" shall not include: (A) Facilities
139 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
140 (b) of section 19a-342, as amended; (B) any establishment with a permit
141 for the sale of alcoholic liquor pursuant to section 30-23 issued on or
142 before May 1, 2003; (C) for any business that is engaged in the testing
143 or development of tobacco or tobacco products, the areas of such

144 business designated for such testing or development; or (D) during the
145 period from October 1, 2003, to [April 1] October 1, 2004,
146 establishments with a permit issued for the sale of alcoholic liquor
147 pursuant to section 30-22a, as amended, 30-26 or the bar area of a
148 bowling establishment holding a permit pursuant to subsection (a) of
149 section 30-37c.

150 Sec. 508. (NEW) (*Effective from passage*) The Commissioner of
151 Agriculture and Consumer Protection shall deposit two hundred
152 dollars from each annual smoking license fee collected pursuant to
153 subsection (d) of section 502 of this section into the "Citizens' Election
154 fund" account established pursuant to section 2 of this act."