



General Assembly

February Session, 2004

Amendment

LCO No. 4208

HB0549704208HRO

Offered by:

REP. GREENE, 105th Dist.

REP. DELGOBBO, 70th Dist.

To: Subst. House Bill No. 5497

File No. 628

Cal. No. 115

**"AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR
TO UNDERAGE PERSONS."**

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

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) A dealer or distributor
4 licensed pursuant to section 12-287 or 12-288, respectively, of the
5 general statutes, or an employee of such licensee may require any
6 person whose age is in question to have his or her photograph taken
7 by such dealer or distributor or employee as a condition to selling or
8 delivering tobacco in any form to such person. Such photograph shall
9 include a photographic image of such person's driver's license or
10 identity card issued in accordance with the provisions of section 1-1h
11 of the general statutes, as amended.

12 (b) No licensed dealer or distributor or employee of such licensee
13 shall use a photograph taken pursuant to subsection (a) of this section
14 for a purpose other than the purpose specified in said subsection (a).

15 (c) No licensed dealer or distributor or employee of such licensee
16 shall sell or otherwise disseminate a photograph taken pursuant to
17 subsection (a) of this section, or any information derived from such
18 photograph, to any third party for any purpose including, but not
19 limited to, any marketing, advertising or promotional activities, except
20 that a licensed dealer or distributor or an employee of such licensee
21 may release such photograph or information pursuant to a court order.

22 (d) The Department of Revenue Services shall adopt regulations, in
23 accordance with chapter 54 of the general statutes, to establish
24 guidelines and specifications for the photographic equipment to be
25 used and the format of the photograph to be taken by a licensed dealer
26 or distributor or an employee of such licensee.

27 (e) In any hearing to suspend or revoke the license of a dealer or
28 distributor or an employee of such licensee for selling or delivering
29 tobacco in any form to a minor in violation of section 12-295 of the
30 general statutes, it shall be an affirmative defense that such dealer or
31 distributor or employee sold or delivered tobacco to such minor in
32 good faith and in reasonable reliance upon the identification presented
33 by such minor and, pursuant to subsection (a) of this section,
34 photographed the minor and such identification. In support of such
35 defense, such dealer or distributor or employee may introduce
36 evidence of such photograph.

37 Sec. 502. (NEW) (*Effective October 1, 2004*) For the purposes of
38 sections 502 to 507, inclusive, of this act, "designated smoking area"
39 means a separate area of no more than fifty per cent of the square
40 footage of a restaurant, bowling establishment, cafe or tavern permit
41 premises having: (1) Either a physical barrier or an air barrier system
42 that creates an air curtain to prevent drift or penetration of tobacco
43 smoke from a smoking area to a nonsmoking area; and (2) an air
44 ventilation and purification system that has the capacity of an
45 electrically powered hospital grade HEPA Media Filter that cleans all
46 the air in a designated smoking area at the minimum of the American
47 Lung Association's standards and the commercial air cleaner

48 manufacturers' recommended range of six to ten air changes per hour
49 and filters not less than ninety-five per cent of three-tenths micron
50 particulates efficiency, including dust, pollen, mold spores, bacteria,
51 tobacco smoke and allergens and not less than ninety-five per cent
52 removal of gases, vapors, volative organic compounds and odor.

53 Sec. 503. (NEW) (*Effective October 1, 2004*) (a) Notwithstanding the
54 provisions of section 19a-342 of the general statutes, as amended, a
55 restaurant permittee, pursuant to section 30-22 of the general statutes,
56 bowling establishment permittee, pursuant to section 30-37c of the
57 general statutes, cafe permittee, pursuant to section 30-22a of the
58 general statutes or tavern permittee, pursuant to section 30-26 of the
59 general statutes may permit smoking in designated smoking areas if
60 such permittee obtains a smoking permit from the Commissioner of
61 Agriculture and Consumer Protection to allow smoking in such areas.

62 (b) The Commissioner of Agriculture and Consumer Protection may
63 issue a smoking permit to a restaurant, bowling establishment, cafe or
64 tavern to allow smoking (1) in a designated smoking area; or (2) on the
65 entire permit premises, if (A) the permit premises has less than two
66 thousand square feet of space available for use by the public, (B) its
67 food sales represent thirty per cent or less of its gross sales, and (C) it
68 complies with the provisions of subdivision (2) of section 502 of this
69 act.

70 (c) Upon application or renewal of its liquor permit, a restaurant,
71 bowling establishment, cafe or tavern that has a designated smoking
72 area or that allows smoking pursuant to subsection (b) of this section
73 shall provide the Department of Consumer Agriculture and Protection
74 with proof that the air barrier system and air ventilation and
75 purification system for the designated smoking area are operating and
76 being maintained.

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

79 Sec. 504. (NEW) (*Effective October 1, 2004*) (a) A restaurant permittee,

80 bowling establishment permittee, cafe permittee or tavern permittee
81 with a smoking permit issued pursuant to subdivision (1) of
82 subsection (b) of section 503 of this act shall provide access to
83 restrooms through the nonsmoking area of the premises. Smoking
84 shall be prohibited in the restrooms.

85 (b) A restaurant permittee, bowling establishment permittee, cafe
86 permittee or tavern permittee with a smoking permit shall
87 conspicuously post, at all entrances, a two foot by three foot sign
88 stating: "SMOKING IS PERMITTED IN DESIGNATED AREAS IN
89 THIS ESTABLISHMENT".

90 Sec. 505. (NEW) (*Effective October 1, 2004*) (a) On and after the
91 effective date of this section, a restaurant permittee, bowling
92 establishment permittee, cafe permittee or tavern permittee with a
93 designated smoking area shall allow its employees the option of
94 working only in the nonsmoking portion of the establishment. Such a
95 permittee who fails to allow such option shall be subject to a civil
96 penalty of two thousand dollars for each offense. After a third offense,
97 such permittee shall be subject to the revocation of its liquor permit by
98 the Department of Agriculture and Consumer Protection pursuant to
99 section 30-47 of the general statutes.

100 (b) On and after the effective date of this section, a restaurant
101 permittee, bowling establishment permittee, cafe permittee or tavern
102 permittee with a smoking permit shall inform prospective employees
103 that such permittee has a smoking permit and that the second-hand
104 smoke within the permit premises may be harmful to such prospective
105 employee's health. The permittee shall require each new and existing
106 employee to sign a statement that such employee has been so
107 informed.

108 (c) A restaurant permittee, bowling establishment permittee, cafe
109 permittee or tavern permittee with a smoking permit for a separate
110 smoking room shall post a sign in a conspicuous location within the
111 permit premises notifying employees of their right to work in a

112 nonsmoking environment in a permit premises with designated
113 smoking rooms.

114 Sec. 506. (NEW) (*Effective October 1, 2004*) The Department of
115 Agriculture and Consumer Protection, as part of its routine inspections
116 of permit premises, shall inspect the air barrier system and air
117 ventilation and purification system required in a designated smoking
118 room of a restaurant permittee, bowling establishment permittee, cafe
119 permittee or tavern permittee that holds a smoking permit pursuant to
120 section 503 of this act. The department shall determine if such systems
121 are operating and are being maintained within the manufacturer's
122 required maintenance schedules. The department shall also inspect
123 maintenance logs kept by such permittees. Failure to pass three such
124 inspections shall result in a two-thousand dollar civil penalty.

125 Sec. 507. Subsection (b) of section 30-6a of the general statutes, as
126 amended by section 146 of public act 03-6 of the June 30 special
127 session, is repealed and the following is substituted in lieu thereof
128 (*Effective October 1, 2004*):

129 (b) More specifically, with respect to part V of this chapter, the
130 Department of Agriculture and Consumer Protection may adopt in
131 accordance with the provisions of chapter 54 regulations that are
132 necessary to (1) carry out the purposes of section 30-64, as amended,
133 and prevent the circumvention thereof by the offering or giving of any
134 rebate, allowance, free goods, discount or any other thing or service of
135 value; (2) permit the withdrawal of, an addition to, a deletion from or
136 an amendment of any schedule, or a modification of prices therein,
137 when not inconsistent with the purposes of said section 30-64,
138 whenever necessary to avoid practical difficulties or unnecessary
139 hardships to any permittee affected by said section 30-64 or because of
140 acts or circumstances beyond the control of such permittee and under
141 such terms and conditions as are necessary to carry out the purposes of
142 said section 30-64; (3) permit the sale by a retailer of a brand of
143 alcoholic liquor or wine for which a schedule of suggested consumer
144 resale prices has not been and cannot be filed, whenever necessary to

145 avoid practical difficulties or unnecessary hardships to any permittee
146 affected by said section 30-64 or because of acts or circumstances
147 beyond the control of such permittee, and under such terms and
148 conditions as are necessary to carry out the purposes of said section 30-
149 64; (4) subject to the provisions of section 30-63e, permit the closeout of
150 a brand for the purpose of discontinuing its sale, under such terms and
151 conditions as are necessary to carry out the purposes of said section 30-
152 64; (5) carry out the purposes of sections 30-68k to 30-68m, inclusive,
153 and section 30-76a and prevent their circumvention; (6) on verified
154 application, and for good cause shown, permit any adjustment or
155 change of any item on the schedule required to be filed under section
156 30-63, as amended, and said section 30-64; [and] (7) permit the sale at a
157 price which is less than cost by a supplier, wholesaler or retailer for
158 any item of alcoholic liquor, except beer, that is damaged or
159 deteriorated in quality, or, subject to the provisions of section 30-63f,
160 permit the closeout of a brand or size for the purpose of discontinuing
161 its sale, under such terms and conditions as are necessary to carry out
162 the purposes of sections 30-68k to 30-68m, inclusive, and section 30-
163 76a; and (8) carry out the provisions of sections 502 to 506, inclusive, of
164 this act.

165 Sec. 508. Subdivision (4) of subsection (a) of section 31-40q of the
166 general statutes, as amended by section 2 of public act 03-45, and
167 section 3 of public act 03-235, is repealed and the following is
168 substituted in lieu thereof (*Effective from passage*):

169 (4) "Business facility" means a structurally enclosed location or
170 portion thereof at which employees perform services for their
171 employer. The term "business facility" shall not include: (A) Facilities
172 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
173 (b) of section 19a-342, as amended; (B) any establishment with a permit
174 for the sale of alcoholic liquor pursuant to section 30-23 issued on or
175 before May 1, 2003; (C) for any business that is engaged in the testing
176 or development of tobacco or tobacco products, the areas of such
177 business designated for such testing or development; or (D) during the
178 period from October 1, 2003, to [April 1] October 1, 2004,

179 establishments with a permit issued for the sale of alcoholic liquor
180 pursuant to section 30-22a, as amended, 30-26 or the bar area of a
181 bowling establishment holding a permit pursuant to subsection (a) of
182 section 30-37c."