



General Assembly

January Session, 2005

Raised Bill No. 6856

LCO No. 4240

04240_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING SMOKING AT PARI-MUTUEL FACILITIES.

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

1 Section 1. Subsection (b) of section 19a-342 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) (1) Notwithstanding the provisions of section 31-40q, no person
5 shall smoke: (A) In any building or portion of a building owned and
6 operated or leased and operated by the state or any political
7 subdivision thereof; (B) in any area of a health care institution; (C) in
8 any area of a retail food store; (D) in any restaurant; (E) in any area of
9 an establishment with a permit issued for the sale of alcoholic liquor
10 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,
11 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
12 establishment with a permit for the sale of alcoholic liquor pursuant to
13 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,
14 in any area of an establishment with a permit issued for the sale of
15 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
16 bowling establishment holding a permit pursuant to subsection (a) of
17 section 30-37c; (F) within a school building while school is in session or

18 student activities are being conducted; (G) in any passenger elevator,
19 provided no person shall be arrested for violating this subsection
20 unless there is posted in such elevator a sign which indicates that
21 smoking is prohibited by state law; or (H) in any dormitory in any
22 public or private institution of higher education. [; or (I) on and after
23 April 1, 2004, in any area of a dog race track or a facility equipped with
24 screens for the simulcasting of off-track betting race programs or jai
25 alai games.] For purposes of this subsection, "restaurant" means space,
26 in a suitable and permanent building, kept, used, maintained,
27 advertised and held out to the public to be a place where meals are
28 regularly served to the public.

29 (2) This section shall not apply to (A) correctional facilities; (B)
30 designated smoking areas in psychiatric facilities; (C) public housing
31 projects, as defined in subsection (b) of section 21a-278a; (D)
32 classrooms where demonstration smoking is taking place as part of a
33 medical or scientific experiment or lesson; (E) smoking rooms
34 provided by employers for employees, pursuant to section 31-40q; (F)
35 notwithstanding the provisions of subparagraph (E) of subdivision (1)
36 of this subsection, the outdoor portion of the premises of any permittee
37 listed in subparagraph (E) of subdivision (1) of this subsection,
38 provided, in the case of any seating area maintained for the service of
39 food, at least seventy-five per cent of the outdoor seating capacity is an
40 area in which smoking is prohibited and which is clearly designated
41 with written signage as a nonsmoking area, except that any temporary
42 seating area established for special events and not used on a regular
43 basis shall not be subject to the smoking prohibition or signage
44 requirements of this subparagraph; [or] (G) any tobacco bar, provided
45 no tobacco bar shall expand in size or change its location from its size
46 or location as of December 31, 2002; or (H) any area of a dog race track
47 or a facility equipped with screens for the simulcasting of off-track
48 betting race programs or jai alai games, provided (i) such dog race
49 track or facility does not advertise to the general public that smoking is
50 permitted within such track or facility, and (ii) the total revenue
51 received by such track or facility from the sale of food and beverages

52 on its premises does not exceed seven per cent of the total gross
53 revenue received by such track or facility. For purposes of this
54 subdivision, "outdoor" means an area which has no roof or other
55 ceiling enclosure, "tobacco bar" means an establishment with a permit
56 for the sale of alcoholic liquor to consumers issued pursuant to chapter
57 545 that, in the calendar year ending December 31, 2002, generated ten
58 per cent or more of its total annual gross income from the on-site sale
59 of tobacco products and the rental of on-site humidors, and "tobacco
60 product" means any substance that contains tobacco, including, but not
61 limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-342(b)

Statement of Purpose:
To permit smoking in pari-mutuel facilities.

[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.]