



General Assembly

January Session, 2005

Amendment

LCO No. 6420

SB0095306420HRO

Offered by:

REP. GREENE, 105th Dist.
REP. SAYERS, 60th Dist.
REP. PISCOPO, 76th Dist.
REP. WILLIAMS, 68th Dist.
REP. DELGOBBO, 70th Dist.
REP. D'AMELIO, 71st Dist.
REP. BEAMON, 72nd Dist.
REP. JOHNSTON, 51st Dist.

REP. RUWET, 65th Dist.
REP. LABRIOLA, 131st Dist.
REP. HARKINS, 120th Dist.
REP. HAMZY, 78th Dist.
REP. NAFIS, 27th Dist.
REP. KEELEY, 129th Dist.
REP. WILBER, 63rd Dist.

To: Subst. Senate Bill No. 953

File No. 39

Cal. No. 523

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING SCHEDULED EVENTS AT JUICE BARS."

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

3 "Sec. 501. (NEW) (*Effective October 1, 2005*) 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 bowling establishment, special sporting facility permit cafe
7 or tavern permit premises having: (1) Either a physical barrier or an air
8 barrier system that creates an air curtain to prevent drift or penetration
9 of tobacco smoke from a smoking area to a nonsmoking area; and (2)

10 an air 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, 2005*) (a) Notwithstanding the
20 provisions of section 19a-342 of the general statutes, as amended, a
21 bowling establishment permittee, pursuant to section 30-37c of the
22 general statutes, special sporting facility permit pursuant to section 30-
23 33b of the general statutes, cafe permittee, pursuant to section 30-22a of
24 the general statutes or tavern permittee, pursuant to section 30-26 of
25 the general statutes may permit smoking in designated smoking areas
26 if such permittee obtains a smoking permit from the Commissioner of
27 Consumer Protection to allow smoking in such areas.

28 (b) The Commissioner of Consumer Protection may issue a smoking
29 permit to a bowling establishment, special sporting facility, 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 bowling
37 establishment, special sporting facility, cafe or tavern that has a
38 designated smoking area or that allows smoking pursuant to
39 subsection (b) of this section shall provide the Department of
40 Consumer Protection with proof that the air barrier system and air
41 ventilation and purification system for the designated smoking area
42 are operating and 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, 2005*) (a) A bowling
46 establishment permittee, special sporting facility permittee, cafe
47 permittee or tavern permittee with a smoking permit issued pursuant
48 to subdivision (1) of subsection (b) of section 502 of this act shall
49 provide access to restrooms through the nonsmoking area of the
50 premises. Smoking shall be prohibited in the restrooms.

51 (b) A bowling establishment permittee, special sporting facility
52 permittee, cafe permittee or tavern permittee with a smoking permit
53 shall 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, 2005*) (a) On and after the
57 effective date of this section, a bowling establishment permittee,
58 special sporting facility permittee, cafe permittee or tavern permittee
59 with a 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 Consumer Protection pursuant to section 30-47 of
65 the general statutes.

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

74 (c) A bowling establishment permittee, special sporting facility

75 permittee, cafe permittee or tavern permittee with a smoking permit
76 for a separate smoking area shall post a sign in a conspicuous location
77 within the permit premises notifying employees of their right to work
78 in a nonsmoking environment in a permit premises with designated
79 smoking areas.

80 Sec. 505. (NEW) (*Effective October 1, 2005*) The Department of
81 Consumer Protection, as part of its routine inspections of permit
82 premises, shall inspect the air barrier system and air ventilation and
83 purification system required in a designated smoking room of a
84 bowling establishment permittee, special sporting facility permittee,
85 cafe permittee or tavern permittee that holds a smoking permit
86 pursuant to section 502 of this act. The department shall determine if
87 such systems are operating and are being maintained within the
88 manufacturer's required maintenance schedules. The department shall
89 also inspect maintenance logs kept by such permittees. Failure to pass
90 three such routine inspections of permit premises shall result in a two-
91 thousand dollar civil penalty.

92 Sec. 506. Subsection (b) of section 30-6a of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective*
94 *October 1, 2005*):

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

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

130 Sec. 507. Subdivision (4) of subsection (a) of section 31-40q of the
131 general statutes is repealed and the following is substituted in lieu
132 thereof (*Effective from passage*):

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

142 from October 1, 2003, to [April 1] October 1, 2004, establishments with
143 a permit issued for the sale of alcoholic liquor pursuant to section 30-
144 22a or 30-26 or the bar area of a bowling establishment holding a
145 permit pursuant to subsection (a) of section 30-37c.

146 Sec. 508. (NEW) (*Effective October 1, 2005*) Notwithstanding any
147 provision of the general statutes, any holder of a cafe permit shall not
148 allow smoking in such premises during any time when such facility or
149 a portion thereof is used as a juice bar."