



House of Representatives

General Assembly

File No. 562

January Session, 2009

House Bill No. 5608

House of Representatives, April 8, 2009

The Committee on Public Health reported through REP. RITTER of the 38th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ISSUANCE OF LIQUOR PERMITS TO CASINOS THAT PERMIT SMOKING IN SUCH PREMISES.

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) Notwithstanding the
2 provisions of section 30-39 of the general statutes, the Department of
3 Consumer Protection shall not issue or renew any casino permit on
4 behalf of a tribally owned casino, unless the applicant or permittee
5 seeking such permit has entered into a written agreement with the
6 office of the Governor concerning the reduction, removal and
7 monitoring of secondhand smoke in the permitted premises. Such
8 agreement shall contain terms governing: (1) Designated nonsmoking
9 areas within the permitted premises; (2) signage as relates to
10 designated nonsmoking and smoking areas; (3) state-of-the-art
11 ventilation and design for designated smoking areas; (4) employee
12 accommodations; (5) the cessation of smoking on the permitted
13 premises no later than October 1, 2011; and (6) such other terms as may
14 be mutually agreed to by the parties to such agreement.

15 (b) Notwithstanding the provisions of subsection (a) of this section,
16 if, in the opinion of the Governor, substantial progress has been
17 reached in achieving an agreement as described in subsection (a) of
18 this section, the Governor may provide written notification of such
19 progress to the Commissioner of Consumer Protection, and the
20 Department of Consumer Protection may issue a casino permit to a
21 party to any such agreement provided the application for such permit
22 complies with all of the requirements of section 30-39 of the general
23 statutes.

24 Sec. 2. Subsection (a) of section 30-37k of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2009*):

27 (a) As used in this section, section 1 of this act and subsection (a) of
28 section 30-91: (1) "Casino" means the premises within which a gaming
29 facility is operated with other facilities, including, but not limited to,
30 restaurants, hotels, nightclubs, bingo halls or convention centers; and
31 (2) "gaming facility" means a room or rooms within which class III
32 gaming, as defined in the Indian Gaming Regulatory Act, P.L. 100-497,
33 25 USC 2701, et seq., is legally conducted.

34 Sec. 3. Subsection (b) of section 19a-342 of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2011*):

37 (b) (1) Notwithstanding the provisions of section 31-40q, no person
38 shall smoke: (A) In any building or portion of a building owned and
39 operated or leased and operated by the state or any political
40 subdivision thereof; (B) in any area of a health care institution; (C) in
41 any area of a retail food store; (D) in any restaurant; (E) in any area of
42 an establishment with a permit issued for the sale of alcoholic liquor
43 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,
44 30-33a, 30-33b, 30-35a, 30-37a, 30-37e, [or] 30-37f or 30-37k, as amended
45 by this act, in any area of an establishment with a permit for the sale of
46 alcoholic liquor pursuant to section 30-23 issued after May 1, 2003,
47 and, on and after April 1, 2004, in any area of an establishment with a

48 permit issued for the sale of alcoholic liquor pursuant to section 30-22a
49 or 30-26 or the bar area of a bowling establishment holding a permit
50 pursuant to subsection (a) of section 30-37c; (F) within a school
51 building while school is in session or student activities are being
52 conducted; (G) in any passenger elevator, provided no person shall be
53 arrested for violating this subsection unless there is posted in such
54 elevator a sign which indicates that smoking is prohibited by state law;
55 (H) in any dormitory in any public or private institution of higher
56 education; or (I) on and after April 1, 2004, in any area of a dog race
57 track or a facility equipped with screens for the simulcasting of off-
58 track betting race programs or jai alai games. For purposes of this
59 subsection, "restaurant" means space, in a suitable and permanent
60 building, kept, used, maintained, advertised and held out to the public
61 to be a place where meals are regularly served to the public.

62 (2) This section shall not apply to (A) correctional facilities; (B)
63 designated smoking areas in psychiatric facilities; (C) public housing
64 projects, as defined in subsection (b) of section 21a-278a; (D)
65 classrooms where demonstration smoking is taking place as part of a
66 medical or scientific experiment or lesson; (E) smoking rooms
67 provided by employers for employees, pursuant to section 31-40q; (F)
68 notwithstanding the provisions of subparagraph (E) of subdivision (1)
69 of this subsection, the outdoor portion of the premises of any permittee
70 listed in subparagraph (E) of subdivision (1) of this subsection,
71 provided, in the case of any seating area maintained for the service of
72 food, at least seventy-five per cent of the outdoor seating capacity is an
73 area in which smoking is prohibited and which is clearly designated
74 with written signage as a nonsmoking area, except that any temporary
75 seating area established for special events and not used on a regular
76 basis shall not be subject to the smoking prohibition or signage
77 requirements of this subparagraph; or (G) any tobacco bar, provided
78 no tobacco bar shall expand in size or change its location from its size
79 or location as of December 31, 2002. For purposes of this subdivision,
80 "outdoor" means an area which has no roof or other ceiling enclosure,
81 "tobacco bar" means an establishment with a permit for the sale of
82 alcoholic liquor to consumers issued pursuant to chapter 545 that, in

83 the calendar year ending December 31, 2002, generated ten per cent or
84 more of its total annual gross income from the on-site sale of tobacco
85 products and the rental of on-site humidors, and "tobacco product"
86 means any substance that contains tobacco, including, but not limited
87 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	30-37k(a)
Sec. 3	<i>October 1, 2011</i>	19a-342(b)

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Spec. Revenue, Div. of	GF - Revenue Loss	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits smoking in any area of an establishment operating with a casino permit beginning October 1, 2011. The smoking ban could significantly affect¹ state revenue from Indian gaming payments and other sources, including alcoholic beverage and cigarette taxes generated from sales at casinos, if the ban: (1) reduces the amount of time that players spend gambling or (2) causes players to choose to visit out-of-state casinos that permit on-premises smoking.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

1 Although a number of states currently have either a total or partial ban on smoking in casinos/gaming establishments, data on the long-term fiscal impact on state revenue is inconclusive. However, the data does appear to indicate that there is a short-term financial impact.

OLR Bill Analysis**HB 5608*****AN ACT CONCERNING THE ISSUANCE OF LIQUOR PERMITS TO CASINOS THAT PERMIT SMOKING IN SUCH PREMISES.*****SUMMARY:**

The bill prohibits smoking in any area of an establishment operating with a casino permit beginning October 1, 2011.

Before this date, the bill prohibits the Department of Consumer Protection (DCP) from issuing or renewing a casino permit on behalf of a tribally owned casino unless the permit applicant or permittee has entered into a written agreement with the governor on the reduction, removal, and monitoring of secondhand smoke on the permitted premises.

The agreement must include terms on (1) designated nonsmoking areas within the permitted premises, (2) designated nonsmoking and smoking area signs, (3) state-of-the-art ventilation and design for designated smoking areas, (4) employee accommodations, (5) smoking cessation on the permitted premises by October 1, 2011, and (6) other terms mutually agreed upon by the parties.

Under the bill, if the governor believes that substantial progress has been reached in achieving an agreement, she may provide written notification to the DCP commissioner, and the department may issue a casino permit if the application meets the law's requirements for issuing liquor permits.

EFFECTIVE DATE: July 1, 2009 for the provisions on the written agreement and issuance of a casino permit; October 1, 2011 for the smoking ban.

CASINO PERMIT AND SMOKING PROHIBITION

The bill prohibits smoking on the premises of a casino beginning October 1, 2011. By law, a casino permit allows the retail sale of alcoholic liquor for consumption on the casino premises. The law defines "casino" as the premises within which a gaming facility is operated with other facilities, including restaurants, hotels, nightclubs, bingo halls, or convention centers. A "gaming facility" is a room or rooms within which class III gaming, as defined in federal law, is legally conducted.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 28 Nay 2 (03/23/2009)