



General Assembly

February Session, 2010

Raised Bill No. 245

LCO No. 1296

01296_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING SMOKING IN PUBLIC PLACES.

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

1 Section 1. Section 31-40q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) As used in this section:

4 (1) "Person" means one or more individuals, partnerships,
5 associations, corporations, limited liability companies, business trusts,
6 legal representatives or any organized group of persons.

7 (2) "Employer" means a person engaged in business who has
8 employees, including the state and any political subdivision thereof.

9 (3) "Employee" means any person engaged in service to an employer
10 in the business of his employer.

11 (4) "Business facility" means a structurally enclosed location or
12 portion thereof at which employees perform services for their
13 employer. The term "business facility" does not include: (A) Facilities
14 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection

15 (b) of section 19a-342; (B) any establishment with a permit for the sale
16 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,
17 2003; or (C) for any business that is engaged in the testing or
18 development of tobacco or tobacco products, the areas of such business
19 designated for such testing or development. [; or (D) during the period
20 from October 1, 2003, to April 1, 2004, establishments with a permit
21 issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-
22 26 or the bar area of a bowling establishment holding a permit
23 pursuant to subsection (a) of section 30-37c.]

24 (5) "Smoking" means the burning of a lighted cigar, cigarette, pipe
25 or any other matter or substance which contains tobacco.

26 [(b) Each employer with fewer than five employees in a business
27 facility shall establish one or more work areas, sufficient to
28 accommodate nonsmokers who request to utilize such an area, within
29 each business facility under his control, where smoking is prohibited.
30 The employer shall clearly designate the existence and boundaries of
31 each nonsmoking area by posting signs which can be readily seen by
32 employees and visitors. In the areas within the business facility where
33 smoking is permitted, existing physical barriers and ventilation
34 systems shall be used to the extent practicable to minimize the effect of
35 smoking in adjacent nonsmoking areas.]

36 [(c)] (b) (1) Each employer [with five or more employees] shall
37 prohibit smoking in any business facility under said employer's
38 control, except that an employer may designate one or more smoking
39 rooms.

40 (2) Each employer that provides a smoking room pursuant to this
41 subsection shall provide sufficient nonsmoking break rooms for
42 nonsmoking employees.

43 (3) Each smoking room designated by an employer pursuant to this
44 subsection shall meet the following requirements: (A) Air from the
45 smoking room shall be exhausted directly to the outside by an exhaust

46 fan, and no air from such room shall be recirculated to other parts of
47 the building; (B) the employer shall comply with any ventilation
48 standard adopted by (i) the Commissioner of Labor pursuant to
49 chapter 571, (ii) the United States Secretary of Labor under the
50 authority of the Occupational Safety and Health Act of 1970, as from
51 time to time amended, or (iii) the federal Environmental Protection
52 Agency; (C) such room shall be located in a nonwork area, where no
53 employee, as part of his or her work responsibilities, is required to
54 enter, except such work responsibilities shall not include any custodial
55 or maintenance work carried out in the smoking room when it is
56 unoccupied; and (D) such room shall be for the use of employees only.

57 [(d)] (c) Nothing in this section may be construed to prohibit an
58 employer from designating an entire business facility as a nonsmoking
59 area.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	31-40q

Statement of Purpose:

To extend the smoking prohibition to workplaces with one or more employees.

[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.]