



Senate

General Assembly

File No. 506

January Session, 2011

Senate Bill No. 948

Senate, April 13, 2011

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SMOKING IN WORKPLACES.

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 Section 31-40q of the general statutes is repealed and the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, 2011*):

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 (A) has
8 employees, including the state and any political subdivision thereof, or
9 (B) is self-employed irrespective of whether or not such self-employed
10 person has employees.

11 (3) "Employee" means any person engaged in service to an employer
12 in the business of [his] an employer.

13 (4) "Home" means any dwelling house, tenement house, rooming
14 house, apartment house or other residential building.

15 [(4)] (5) "Business facility" means a structurally enclosed location or
16 portion thereof at which employees perform services for their
17 employer. The term "business facility" does not include: (A) Facilities
18 listed in subparagraph (A), (C) or (G) of subdivision (2) of subsection
19 (b) of section 19a-342; (B) any establishment with a permit for the sale
20 of alcoholic liquor pursuant to section 30-23 issued on or before May 1,
21 2003; (C) for any business that is engaged in the testing or
22 development of tobacco or tobacco products, the areas of such business
23 designated for such testing or development; or (D) [during the period
24 from October 1, 2003, to April 1, 2004, establishments with a permit
25 issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-
26 26 or the bar area of a bowling establishment holding a permit
27 pursuant to subsection (a) of section 30-37c] an employer's home.

28 [(5)] (6) "Smoking" means the burning of a lighted cigar, cigarette,
29 pipe or any other matter or substance which contains tobacco.

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

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

44 (2) Each employer that provides a smoking room pursuant to this

45 subsection shall provide sufficient nonsmoking break rooms for
46 nonsmoking employees.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	31-40q

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

Extending the ban on smoking in the workplace has no fiscal impact on the state or municipalities as employers. Additionally, the bill results in no costs to the Department of Labor for enforcement.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 948*****AN ACT CONCERNING SMOKING IN WORKPLACES.*****SUMMARY:**

This bill bans smoking in the workplace regardless of the number of employees in the business facility. Under current law, the smoking prohibition applies only to business facilities with five or more employees. The bill applies to a self-employed individual, whether or not he or she has any employees. But it does not apply to an employer's "home," defined as any dwelling, tenement, rooming, or apartment house or other residential building.

As under current law, the employer may designate one or more smoking rooms but the bill eliminates a provision requiring employers with fewer than five employees to establish nonsmoking work areas upon request.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 19 Nay 9 (03/28/2011)