



General Assembly

February Session, 2012

Raised Bill No. 5332

LCO No. 1522

01522_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING SMOKING IN PUBLIC BUILDINGS AND THE EXEMPTION FOR TOBACCO BARS.

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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

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; (H) in any dormitory in any public
22 or private institution of higher education; or (I) on and after April 1,
23 2004, in any area of a dog race track or a facility equipped with screens
24 for the simulcasting of off-track betting race programs or jai alai
25 games. For purposes of this subsection, "restaurant" means space, in a
26 suitable and permanent building, kept, used, maintained, advertised
27 and held out to the public to be a place where meals are regularly
28 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. For purposes of this subdivision,
47 "outdoor" means an area which has no roof or other ceiling enclosure,
48 "tobacco bar" means an establishment [with a permit for the sale of
49 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
50 the calendar year ending December 31, 2002, generated ten per cent or

51 more of its] for which the total annual gross income, if any, from the
52 on-site sale of alcoholic liquor does not exceed the total annual gross
53 income from the on-site sale of tobacco products and the rental of on-
54 site humidors, and "tobacco product" means any substance that
55 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
56 tobacco or chewing tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	19a-342(b)

Statement of Purpose:

To redefine a tobacco bar and reduce smoking in public places.

[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.]