



OLR RESEARCH REPORT

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TOBACCO BARS

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You asked for a legislative history of [CGS § 19a-342\(b\)\(2\)\(G\)](#), which exempts qualifying tobacco bars from the statewide smoking ban in most workplaces and public buildings. You also asked for the number and a list of tobacco bars in Connecticut.

SUMMARY

[CGS § 19a-342\(b\)\(2\)\(G\)](#) exempts qualifying tobacco bars from the statewide smoking ban in most workplaces and public buildings. This provision was adopted in 2003 with the passage of [PA 03-45](#) (sSB 908). The exemption applies only to tobacco bars that (1) had a liquor permit and generated at least 10% of their annual gross income in 2002 from onsite sales of tobacco products or humidor rentals and (2) have not changed their size or location since December 31, 2002.

To find the number of these establishments, we contacted the departments of revenue services, public health, and consumer protection (DCP); none of these agencies track the state's tobacco bars, nor are they required by law to do so. And although a tobacco bar must obtain a liquor permit from DCP, many different types exist and none are specific to tobacco bars (typically a "café" or "tavern" permit is issued). DCP legislative liaison, Gary Berner, notes that the department has not received a smoking complaint against a business that has claimed an exemption because it is a tobacco bar.

LEGISLATIVE HISTORY OF CGS § 19A-342(B)(2)(G)

The tobacco bar exemption from the statewide smoking ban originated in a Senate amendment to 2003 legislation. The amendment replaced the original file and, among other things, prohibited smoking in (1) most workplaces where more than four people work, except in specially ventilated smoking rooms; (2) restaurants and other establishments with liquor permits; and (3) state and municipal buildings, most health care institutions, and private college and university dorms.

The amendment created an exemption from the smoking ban for qualifying tobacco bars and other specified entities. To qualify for the exemption, a business (1) needed to possess a liquor permit and have generated at least 10% of its annual gross income in 2002 from onsite sales of tobacco products or humidors and (2) may not have changed its size or location after December 31, 2002 ([Senate Amendment "A"](#) to 2003 [sSB 908](#))

There was limited discussion of the tobacco bar exemption. Sen. Cappiello questioned whether the amendment created a new permit for tobacco bars and how the definition of "tobacco bar" was determined. Sen. Murphy responded that the amendment did not create a new permit, but did create a statutory definition for these businesses for the purpose of exempting them from the statewide smoking ban. He stated that the definition was identical to the one New York's exemption contains. Murphy noted that while there were very few tobacco bars operating in Connecticut, they should be exempted.

Sen. Cappiello also questioned whether the amendment enabled a person to open a private cigar club with a liquor permit. Sen. Meyer responded that the smoking ban would apply unless the establishment did not have (1) a liquor permit or (2) more than five employees.

Sen. Meyer also discussed whether a person had the right to choose to work for a business that allows smoking and stated that Connecticut's existing workplace safety laws do not allow a person to waive his or her right to work in a safe environment. He noted that an employee of a tobacco bar was "still under extreme danger of coming down with heart and lung disease."

Sen. Meyer subsequently introduced [Senate Amendment "B"](#) which postponed the smoking ban in cafes and taverns from October 1, 2003 to April 1, 2004, applied the ban in private clubs with permits issued after May 1, 2003, and exempted businesses that test tobacco products from the workplace smoking ban.

The Senate passed the bill as amended by Senate Amendments “A” and “B” on a 26-7 vote. The bill passed the House on a 103-43 vote; that chamber did not discuss the tobacco bar exemption.

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