
OLR Bill Analysis

sHB 5151

AN ACT CONCERNING HOOKAH LOUNGES.

SUMMARY:

This bill requires hookah lounge operators to be licensed by the municipality where the lounge is located and subjects the lounges and operators to municipal regulation. The bill defines a “hookah lounge” as any space in a “suitable” and permanent building, kept, used, maintained, advertised, and held out as a place where hookahs or water pipes are regularly made available for public use.

A hookah lounge operator’s license is valid for one year and costs \$100 initially and \$50 to renew. The licensing authority may revoke or suspend the license for good cause, including noncompliance with licensure requirements. He or she may also deny licenses on unspecified grounds, and a good cause showing is not required for denials.

The bill subjects anyone operating a hookah lounge without a license or under a suspended or revoked license to a fine of up to \$200 for each day of a violation. It allows people aggrieved by adverse license decisions to appeal to the Superior Court.

EFFECTIVE DATE: October 1, 2014

HOOKAH LOUNGE

Regulation

The bill requires hookah lounge operators to be licensed by the municipal police chief or, where there is no police department, the municipal chief executive officer. The lounges are subject to inspection by the licensing authority, or his or her designees.

Information Required on License Application

An application for a hookah lounge operator's license must be made in writing and under oath. It must contain the:

1. type of business the applicant will operate;
2. applicant's full name, age, and date and place of birth;
3. applicant's residence addresses and places of employment within the preceding three years;
4. applicant's present occupation; and
5. any additional information the licensing authority deems necessary to investigate the applicant's qualifications, character, competency, and integrity.

Corporations, limited liability companies, partnerships, or associations, must include the above information for (1) each individual who is or will be an officer, shareholder, or financial backer or creditor, other than a financial institution, of the entity or (2) any other individual with a relationship to the entity similar to that of an officer, shareholder, financial backer, or creditor.

Information Required on Hookah Lounge Operator's License

The license must designate the location of the hookah lounge and its operating hours. It must be displayed in a conspicuous location in the hookah lounge.

Licensing Process

The licensing authority may take up to 90 days after the filing of an application to grant or deny an initial license application and up to 30 days to grant or deny a renewal application. A licensee seeking to renew a license must apply at least 60 days before his or her license expires. A licensing authority's failure to act on an application within the deadlines is deemed to be a denial.

License Validity

A hookah lounge operator's license is valid for one year, unless sooner suspended or revoked.

Upon notice to a licensee and after a hearing, a licensing authority may suspend, revoke, or modify the license for good cause. The licensing authority must hold any such hearing within five days after the notice date and issue a decision within 14 days after the hearing.

Appeals

Anyone aggrieved by a licensing authority's action in denying, suspending, revoking, modifying, or refusing to renew a license may appeal to the Superior Court.

Penalty for Violations

Anyone who operates an unlicensed hookah lounge, or after being notified that his or her license has been suspended or revoked, is subject to a fine of up to \$200. In the case of a continuing violation, each day is a separate and distinct offense.

BACKGROUND

Hookah

A "hookah" is a water pipe used to smoke "shisha," a combination of tobacco and fruit or vegetable that is heated and the smoke is filtered through water. The hookah consists of a head, body, water bowl, and hose. The tobacco or shisha is heated usually using charcoal.

Hookah smoking is a centuries-old tradition and is often social, with two or more people sharing the same water pipe. If used in a commercial establishment, such as a café, lounge, or restaurant, the hookah is ordered, often from a menu of flavors, and prepared from in-house stock.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/04/2014)