



Senate

General Assembly

File No. 55

January Session, 2019

Substitute Senate Bill No. 752

Senate, March 13, 2019

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SMOKING AND VAPING ON BEACHES IN STATE PARKS.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) No person shall engage in
2 the act of smoking on any beach located in a state park.

3 (b) The Commissioner of Energy and Environmental Protection may
4 enforce the provisions of this section and issue a warning for any first
5 violation of the provisions of this section and any person who violates
6 the provisions of this section a second or subsequent time shall be
7 deemed to have committed an infraction. Nothing in this section shall
8 be construed to require the alteration of any sign located in a state
9 park. Notice of the prohibition contained in this section shall be posted
10 on the Internet web site of the Department of Energy and
11 Environmental Protection and shall be conveyed by any applicable
12 park attendant to a patron upon such patron's entry to such park.

13 (c) For purposes of this section, "smoking" means inhaling, exhaling,

14 burning, carrying or otherwise possessing any lighted cigarette, cigar,
15 pipe or any other object or device of any form that contains lighted
16 tobacco or any other smoking product including any electronic
17 nicotine delivery system and vapor product.

18 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective July*
20 *1, 2019*):

21 (b) Notwithstanding any provision of the general statutes, any
22 person who is alleged to have committed (1) a violation under the
23 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
24 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
25 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
26 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
27 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
28 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
29 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
30 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
31 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
32 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
33 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
34 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-
35 67a, subsection (g) of section 14-80, subsection (f) of section 14-80h,
36 section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-
37 153 or 14-163b, a first violation as specified in subsection (f) of section
38 14-164i, section 14-219 as specified in subsection (e) of said section,
39 subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a,
40 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
41 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section
42 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-
43 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)
44 of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-
45 97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or
46 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
47 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33,

48 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
49 105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-
50 287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-
51 340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-
52 265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39,
53 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2,
54 subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of
55 subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a)
56 of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection
57 (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of
58 subsection (a) of section 21a-159, subsection (a) of section 21a-279a,
59 section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-
60 36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54,
61 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-
62 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326
63 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-
64 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
65 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or
66 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
67 22a-461, section 1 of this act, 23-37, 23-38, 23-46 or 23-61b, subsection
68 (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or
69 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-
70 19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or
71 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,
72 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
73 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-
74 138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,
75 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-
76 230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-
77 288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection
78 (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z,
79 subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,
80 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,
81 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,
82 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52,

83 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
84 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-
85 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-
86 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
87 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-
88 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-
89 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344,
90 subsection (c) of section 53-344b, or section 53-450, or (2) a violation
91 under the provisions of chapter 268, or (3) a violation of any regulation
92 adopted in accordance with the provisions of section 12-484, 12-487 or
93 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
94 town, city or borough, except violations of building codes and the
95 health code, for which the penalty exceeds ninety dollars but does not
96 exceed two hundred fifty dollars, unless such town, city or borough
97 has established a payment and hearing procedure for such violation
98 pursuant to section 7-152c, shall follow the procedures set forth in this
99 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	51-164n(b)

ENV *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Resources of the General Fund	GF - Potential Revenue Gain	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits smoking on beaches located in state parks. The bill also requires the Department of Energy and Environmental Protection (DEEP) to publish notice of this on its website and to inform patrons of the smoking prohibition when entering the park.

Additionally, the bill allows DEEP to enforce the smoking prohibition and issue a warning for the first violation. It is anticipated that less than 50 beach patrons will receive infractions, resulting in a potential revenue gain of less than \$5,000 annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sSB 752*****AN ACT CONCERNING SMOKING AND VAPING ON BEACHES IN STATE PARKS.*****SUMMARY**

This bill prohibits smoking on a beach located in a state park. "Smoking" means inhaling, exhaling, burning, carrying, or possessing a lighted cigarette, cigar, pipe, or other device with lighted tobacco, as well as an electronic nicotine delivery system and vapor product.

Under the bill, the Department of Energy and Environmental Protection (DEEP) commissioner may enforce the smoking prohibition. She may issue a warning for a first violation. A subsequent violation is an infraction, payable by mail.

The bill does not require that any state park signs be altered. Rather, it requires DEEP to publish notice of the prohibition on its website and park attendants, if any, to inform patrons of it when the patrons enter the park.

EFFECTIVE DATE: July 1, 2019

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 4 (02/25/2019)