AN ACT CONCERNING TOBACCO BARS.

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

Section 1. Section 19a-342 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) As used in this section, "smoke" or "smoking" means the lighting or carrying of a lighted cigarette, cigar, pipe or similar device.

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in any area of a retail food store; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section

30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor
pursuant to section 30-22a or 30-26 or the bar area of a bowling
establishment holding a permit pursuant to subsection (a) of section
30-37c; (F) within a school building while school is in session or
student activities are being conducted; (G) in any passenger elevator,
provided no person shall be arrested for violating this subsection
unless there is posted in such elevator a sign which indicates that
smoking is prohibited by state law; (H) in any dormitory in any public
or private institution of higher education; or (I) on and after April 1,
2004, in any area of a dog race track or a facility equipped with screens
for the simulcasting of off-track betting race programs or jai alai
games. For purposes of this subsection, "restaurant" means space, in a
suitable and permanent building, kept, used, maintained, advertised
and held out to the public to be a place where meals are regularly
served to the public.

(2) This section shall not apply to (A) correctional facilities; (B)
designated smoking areas in psychiatric facilities; (C) public housing
projects, as defined in subsection (b) of section 21a-278a; (D) any
classroom where demonstration smoking is taking place as part of a
medical or scientific experiment or lesson; (E) smoking rooms
provided by employers for employees, pursuant to section 31-40q; (F)
notwithstanding the provisions of subparagraph (E) of subdivision (1)
of this subsection, the outdoor portion of the premises of any permittee
listed in subparagraph (E) of subdivision (1) of this subsection,
provided, in the case of any seating area maintained for the service of
food, at least seventy-five per cent of the outdoor seating capacity is an
area in which smoking is prohibited and which is clearly designated
with written signage as a nonsmoking area, except that any temporary
seating area established for special events and not used on a regular
basis shall not be subject to the smoking prohibition or signage
requirements of this subparagraph; (G) any medical research site
where smoking is integral to the research being conducted; or (H) any
tobacco bar [provided no tobacco bar shall expand in size or change
its location from its size or location as of December 31, 2002]. For
purposes of this subdivision, "outdoor" means an area which has no
roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that in the calendar year ending December 31, 2002, generated ten [generates twenty] per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.

(c) The operator of a hotel, motel or similar lodging may allow guests to smoke in not more than twenty-five per cent of the rooms offered as accommodations to guests.

(d) In each room, elevator, area or building in which smoking is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that smoking is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

(e) Any person found guilty of smoking in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this section shall be construed to require the person in control of a building to post such signs in every room of a building, provided such signs are posted in a conspicuous place in such building.

(f) Nothing in this section shall be construed to require any smoking area in any building.

(g) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to smoking effective prior to, on or after October 1, 1993.
Sec. 2. Section 19a-342a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) As used in this section and section 2 of public act 15-206:

(1) "Child care facility" means a provider of child care services as defined in section 19a-77, or a person or entity required to be licensed under section 17a-145;

(2) "Electronic nicotine delivery system" means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device;

(3) "Liquid nicotine container" means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer; and

(4) "Vapor product" means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product, but shall not include a medicinal or therapeutic product used by a (A) licensed health care provider to treat a patient in a health care setting, or (B) a patient, as prescribed or directed by a licensed health care provider in any setting.

(b) (1) No person shall use an electronic nicotine delivery system or vapor product: (A) In any building or portion of a building owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in
any area of a retail food store; (D) in any restaurant; (E) in any area of
an establishment with a permit issued for the sale of alcoholic liquor
pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any
area of establishment with a permit issued for the sale of alcoholic
liquor pursuant to section 30-23 issued after May 1, 2003, or the bar
area of a bowling establishment holding a permit pursuant to
subsection (a) of section 30-37c; (F) within a school building while
school is in session or student activities are being conducted; (G)
within a child care facility, except, if the child care facility is a family
child care home as defined in section 19a-77, such use is prohibited
only when a child enrolled in such home is present; (H) in any
passenger elevator, provided no person shall be arrested for violating
this subsection unless there is posted in such elevator a sign which
indicates that such use is prohibited by state law; (I) in any dormitory
in any public or private institution of higher education; or (J) in any
area of a dog race track or a facility equipped with screens for the
simulcasting of off-track betting race programs or jai alai games. For
purposes of this subsection, "restaurant" means space, in a suitable and
permanent building, kept, used, maintained, advertised and held out
to the public to be a place where meals are regularly served to the
public.

(2) This section shall not apply to (A) correctional facilities; (B)
designated smoking areas in psychiatric facilities; (C) public housing
projects, as defined in subsection (b) of section 21a-278a; (D) any
classroom where a demonstration of the use of an electronic nicotine
delivery system or vapor product is taking place as part of a medical or
scientific experiment or lesson; (E) any medical research site where the
use of an electronic nicotine delivery system or vapor product is
integral to the research being conducted; (F) establishments without a
permit for the sale of alcoholic liquor that sell electronic nicotine
delivery systems, vapor products or liquid nicotine containers on-site
and allow their customers to use such systems, products or containers
on-site; (G) smoking rooms provided by employers for employees,
pursuant to section 31-40q; (H) notwithstanding the provisions of
subparagraph (E) of subdivision (1) of this subsection, the outdoor
portion of the premises of any permittee listed in subparagraph (E) of
subdivision (1) of this subsection, provided, in the case of any seating
area maintained for the service of food, at least seventy-five per cent of
the outdoor seating capacity is an area in which smoking is prohibited
and which is clearly designated with written signage as a nonsmoking
area, except that any temporary seating area established for special
events and not used on a regular basis shall not be subject to the
prohibition on the use of an electronic nicotine delivery system or
vapor product or the signage requirements of this subparagraph; or (I)
any tobacco bar [provided no tobacco bar shall expand in size or
change its location from its size or location as of October 1, 2015]. For
purposes of this subdivision, "outdoor" means an area which has no
roof or other ceiling enclosure, "tobacco bar" means an establishment
with a permit for the sale of alcoholic liquor to consumers issued
pursuant to chapter 545 that [in the calendar year ending December
31, 2015, generated ten] generates twenty per cent or more of its total
annual gross income from the on-site sale of tobacco products and the
rental of on-site humidors, and "tobacco product" means any substance
that contains tobacco, including, but not limited to, cigarettes, cigars,
pipe tobacco or chewing tobacco.

(c) The operator of a hotel, motel or similar lodging may allow
guests to use an electronic nicotine delivery system or vapor product
in not more than twenty-five per cent of the rooms offered as
accommodations to guests.

(d) In each room, elevator, area or building in which the use of an
electronic nicotine delivery system or vapor product is prohibited by
this section, the person in control of the premises shall post or cause to
be posted in a conspicuous place signs stating that such use is
prohibited by state law. Such signs, except in elevators, restaurants,
establishments with permits to sell alcoholic liquor to consumers
issued pursuant to chapter 545, hotels, motels or similarlodgings, and
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health care institutions, shall have letters at least four inches high with
the principal strokes of letters not less than one-half inch wide.

(e) Any person found guilty of using an electronic nicotine delivery
system or vapor product in violation of this section, failure to post
signs as required by this section or the unauthorized removal of such
signs shall have committed an infraction.

(f) Nothing in this section shall be construed to require the
designation of any area for the use of electronic nicotine delivery
system or vapor product in any building.

(g) The provisions of this section shall supersede and preempt the
provisions of any municipal law or ordinance relative to the use of an
electronic nicotine delivery system or vapor product effective prior to,
on or after October 1, 2015.

This act shall take effect as follows and shall amend the following
sections:

<table>
<thead>
<tr>
<th>Section 1</th>
<th>October 1, 2019</th>
<th>19a-342</th>
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<tbody>
<tr>
<td>Sec. 2</td>
<td>October 1, 2019</td>
<td>19a-342a</td>
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Statement of Purpose:
To allow for the expansion, change in location and establishment of
tobacco bars.

[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.]

Co-Sponsors: REP. PERILLO, 113th Dist.; REP. DAVIS C., 57th Dist.
REP. MICHEL, 146th Dist.

H.B. 5139