

**Proposed Substitute  
Bill No. 160**

LCO No. 2609

**AN ACT CONCERNING SMOKING IN NURSING HOMES, ASSISTED  
LIVING FACILITIES AND OTHER HOUSING FOR THE ELDERLY.**

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

1 Section 1. Section 19a-342 of the 2020 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2020*):

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

6 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
7 shall smoke: (A) In any building or portion of a building, partially  
8 enclosed shelter on a rail platform or bus shelter owned and operated  
9 or leased and operated by the state or any political subdivision thereof;  
10 (B) in any area of a health care institution, including, but not limited to,  
11 a nursing home facility as defined in section 19a-490; (C) in any area of  
12 a retail food store; (D) in any restaurant; (E) in any area of an  
13 establishment with a permit issued for the sale of alcoholic liquor  
14 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-  
15 33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an  
16 establishment with a permit for the sale of alcoholic liquor pursuant to  
17 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in  
18 any area of an establishment with a permit issued for the sale of  
19 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a

20 bowling establishment holding a permit pursuant to subsection (a) of  
21 section 30-37c; (F) within a school building or on the grounds of such  
22 school; (G) within a child care facility or on the grounds of such child  
23 care facility, except, if the child care facility is a family child care home,  
24 as defined in section 19a-77, such smoking is prohibited only when a  
25 child enrolled in such home is present; (H) in any passenger elevator,  
26 provided no person shall be arrested for violating this subsection unless  
27 there is posted in such elevator a sign which indicates that smoking is  
28 prohibited by state law; (I) in any dormitory in any public or private  
29 institution of higher education; [or] (J) on and after April 1, 2004, in any  
30 area of a dog race track or a facility equipped with screens for the  
31 simulcasting of off-track betting race programs or jai alai games; (K) in  
32 any public housing unit where smoking is not permitted pursuant to 24  
33 CFR 965.653, as amended from time to time; or (L) in common areas or  
34 within twenty-five feet of entrances or exits of public housing for elderly  
35 persons, including assisted living facilities, designated pursuant to  
36 chapter 128 and not otherwise subject to regulation under 24 CFR  
37 965.653, as amended from time to time. For purposes of this subsection,  
38 "restaurant" means space, in a suitable and permanent building, kept,  
39 used, maintained, advertised and held out to the public to be a place  
40 where meals are regularly served to the public, "school" has the same  
41 meaning as provided in section 10-154a and "child care facility" has the  
42 same meaning as provided in section 19a-342a.

43 (2) This section shall not apply to (A) correctional facilities; (B)  
44 designated smoking areas in psychiatric facilities; (C) public housing  
45 projects, as defined in subsection (b) of section 21a-278a, except for those  
46 where smoking is not permitted pursuant to 24 CFR 965.653, as  
47 amended from time to time; (D) any classroom where demonstration smoking  
48 is taking place as part of a medical or scientific experiment or lesson; (E)  
49 smoking rooms provided by employers for employees, pursuant to  
50 section 31-40q; (F) notwithstanding the provisions of subparagraph (E)  
51 of subdivision (1) of this subsection, the outdoor portion of the premises  
52 of any permittee listed in subparagraph (E) of subdivision (1) of this  
53 subsection, provided, in the case of any seating area maintained for the

54 service of food, at least seventy-five per cent of the outdoor seating  
55 capacity is an area in which smoking is prohibited and which is clearly  
56 designated with written signage as a nonsmoking area, except that any  
57 temporary seating area established for special events and not used on a  
58 regular basis shall not be subject to the smoking prohibition or signage  
59 requirements of this subparagraph; (G) any medical research site where  
60 smoking is integral to the research being conducted; or (H) any tobacco  
61 bar, provided no tobacco bar shall expand in size or change its location  
62 from its size or location as of December 31, 2002. For purposes of this  
63 subdivision, "outdoor" means an area which has no roof or other ceiling  
64 enclosure, "tobacco bar" means an establishment with a permit for the  
65 sale of alcoholic liquor to consumers issued pursuant to chapter 545 that,  
66 in the calendar year ending December 31, 2002, generated ten per cent  
67 or more of its total annual gross income from the on-site sale of tobacco  
68 products and the rental of on-site humidors, and "tobacco product"  
69 means any substance that contains tobacco, including, but not limited  
70 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

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

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

83 (e) Any person found guilty of smoking in violation of this section,  
84 failure to post signs as required by this section or the unauthorized  
85 removal of such signs shall have committed an infraction. Nothing in

86 this section shall be construed to require the person in control of a  
87 building to post such signs in every room of a building, provided such  
88 signs are posted in a conspicuous place in such building.

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

91 (g) The provisions of this section shall supersede and preempt the  
92 provisions of any municipal law or ordinance relative to smoking  
93 effective prior to, on or after October 1, 1993.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2020</i>	19a-342
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