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:

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 Section 19a-342 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(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, including, but not limited to, a nursing home facility as defined in section 19a-490; (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 or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home, as defined in section 19a-77, such smoking 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 smoking is prohibited by state law; (I) in any dormitory in any public or private institution of higher education; [or] (J) 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; (K) in any public housing unit where smoking is not permitted pursuant to 24 CFR 965.653, as amended from time to time; or (L) in common areas or within twenty-five feet of entrances or exits of public housing for elderly persons, including assisted living facilities, designated pursuant to chapter 128 and not otherwise subject to regulation under 24 CFR 965.653, as amended from time to time. 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, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a.

(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, except for those where smoking is not permitted pursuant to 24 CFR 965.653, as amended from time; (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 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.

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

| Section 1 | October 1, 2020 | 19a-342 |