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 Section 19a-342 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):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; (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 issued 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;
(l) 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. 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; (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] a tobacco bar that first
begins operating on or after October 1, 2020, shall (i) be located in a
stand-alone building, (ii) have a walk-in humidor on the premises, (iii)
not be located within a five-mile radius of any existing tobacco bar, or
(iv) if such tobacco bar is connected to another building, use its own
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heating, ventilation or air conditioning system to prevent the comingling of air. 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, (I) 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, or (II) for any tobacco bar that first begins operating on or after October 1, 2020, generates fifty-one per cent or more of its total annual gross income in a calendar year 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 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 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" has the same meaning as provided in section 21a-415;

(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" has the same meaning as provided in section 21a-415.

(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 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 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, and "school" has the same meaning as provided in section 10-154a.

(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] a tobacco bar that first begins operating on or after October 1, 2020, shall (i) be located in a stand-alone building, (ii) have a walk-in humidor on the premises, (iii) not be located within a three-mile radius of any existing tobacco bar, unless allowed pursuant to municipal zoning, or (iv) if such tobacco bar is connected to another building, use its own heating, ventilation or air conditioning system to prevent the comingling of air. 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, (I) in the calendar year ending December 31, 2015, 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, or (II) for any tobacco bar that first begins operating on or after October 1, 2020, generates fifty-one per cent or more of its total annual gross income in a calendar year 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 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 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:

| Section 1 | October 1, 2020 | 19a-342 |
| Sec. 2    | October 1, 2020 | 19a-342a |