

AN ACT CONCERNING TOBACCO BARS.

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2 statutes is repealed and the following is substituted in lieu thereof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; (C) in any area of a retail food
11 store; (D) in any restaurant; (E) in any area of an establishment with a
12 permit issued for the sale of alcoholic liquor pursuant to section 30-20a,
13 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a,
14 30-37e or 30-37f, in any area of an establishment with a permit for the
15 sale of alcoholic liquor pursuant to section 30-23 issued after May 1,
16 2003, and, on and after April 1, 2004, in any area of an establishment
17 with a permit issued for the sale of alcoholic liquor pursuant to section
18 30-22a or 30-26 or the bar area of a bowling establishment holding a
19 permit pursuant to subsection (a) of section 30-37c; (F) within a school
20 building or on the grounds of such school; (G) within a child care facility
21 or on the grounds of such child care facility, except, if the child care
22 facility is a family child care home, as defined in section 19a-77, such
23 smoking is prohibited only when a child enrolled in such home is

24 present; (H) in any passenger elevator, provided no person shall be
25 arrested for violating this subsection unless there is posted in such
26 elevator a sign which indicates that smoking is prohibited by state law;
27 (I) in any dormitory in any public or private institution of higher
28 education; or (J) on and after April 1, 2004, in any area of a dog race track
29 or a facility equipped with screens for the simulcasting of off-track
30 betting race programs or jai alai games. For purposes of this subsection,
31 "restaurant" means space, in a suitable and permanent building, kept,
32 used, maintained, advertised and held out to the public to be a place
33 where meals are regularly served to the public, "school" has the same
34 meaning as provided in section 10-154a and "child care facility" has the
35 same meaning as provided in section 19a-342a.

36 (2) This section shall not apply to (A) correctional facilities; (B)
37 designated smoking areas in psychiatric facilities; (C) public housing
38 projects, as defined in subsection (b) of section 21a-278a; (D) any
39 classroom where demonstration smoking is taking place as part of a
40 medical or scientific experiment or lesson; (E) smoking rooms provided
41 by employers for employees, pursuant to section 31-40q; (F)
42 notwithstanding the provisions of subparagraph (E) of subdivision (1)
43 of this subsection, the outdoor portion of the premises of any permittee
44 listed in subparagraph (E) of subdivision (1) of this subsection,
45 provided, in the case of any seating area maintained for the service of
46 food, at least seventy-five per cent of the outdoor seating capacity is an
47 area in which smoking is prohibited and which is clearly designated
48 with written signage as a nonsmoking area, except that any temporary
49 seating area established for special events and not used on a regular
50 basis shall not be subject to the smoking prohibition or signage
51 requirements of this subparagraph; (G) any medical research site where
52 smoking is integral to the research being conducted; or (H) any tobacco
53 bar, provided [no tobacco bar shall expand in size or change its location
54 from its size or location as of December 31, 2002] a tobacco bar that first
55 begins operating on or after October 1, 2020, shall (i) be located in a
56 stand-alone building, (ii) have a walk-in humidor on the premises, (iii)
57 not be located within a five-mile radius of any existing tobacco bar, or
58 (iv) if such tobacco bar is connected to another building, use its own

59 heating, ventilation or air conditioning system to prevent the
60 comingling of air. For purposes of this subdivision, "outdoor" means an
61 area which has no roof or other ceiling enclosure, "tobacco bar" means
62 an establishment with a permit for the sale of alcoholic liquor to
63 consumers issued pursuant to chapter 545 that, (I) in the calendar year
64 ending December 31, 2002, generated ten per cent or more of its total
65 annual gross income from the on-site sale of tobacco products and the
66 rental of on-site humidors, or (II) for any tobacco bar that first begins
67 operating on or after October 1, 2020, generates fifty-one per cent or
68 more of its total annual gross income in a calendar year from the on-site
69 sale of tobacco products and the rental of on-site humidors, and "tobacco
70 product" means any substance that contains tobacco, including, but not
71 limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.

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

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

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

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

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

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

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

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

102 (2) "Electronic nicotine delivery system" has the same meaning as
103 provided in section 21a-415;

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

110 (4) "Vapor product" has the same meaning as provided in section 21a-
111 415.

112 (b) (1) No person shall use an electronic nicotine delivery system or
113 vapor product: (A) In any building or portion of a building owned and
114 operated or leased and operated by the state or any political subdivision
115 thereof; (B) in any area of a health care institution; (C) in any area of a
116 retail food store; (D) in any restaurant; (E) in any area of an
117 establishment with a permit issued for the sale of alcoholic liquor
118 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-
119 28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of
120 establishment with a permit issued for the sale of alcoholic liquor
121 pursuant to section 30-23 issued after May 1, 2003, or the bar area of a
122 bowling establishment holding a permit pursuant to subsection (a) of

123 section 30-37c; (F) within a school building or on the grounds of such
124 school; (G) within a child care facility or on the grounds of such child
125 care facility, except, if the child care facility is a family child care home
126 as defined in section 19a-77, such use is prohibited only when a child
127 enrolled in such home is present; (H) in any passenger elevator,
128 provided no person shall be arrested for violating this subsection unless
129 there is posted in such elevator a sign which indicates that such use is
130 prohibited by state law; (I) in any dormitory in any public or private
131 institution of higher education; or (J) in any area of a dog race track or a
132 facility equipped with screens for the simulcasting of off-track betting
133 race programs or jai alai games. For purposes of this subsection,
134 "restaurant" means space, in a suitable and permanent building, kept,
135 used, maintained, advertised and held out to the public to be a place
136 where meals are regularly served to the public, and "school" has the
137 same meaning as provided in section 10-154a.

138 (2) This section shall not apply to (A) correctional facilities; (B)
139 designated smoking areas in psychiatric facilities; (C) public housing
140 projects, as defined in subsection (b) of section 21a-278a; (D) any
141 classroom where a demonstration of the use of an electronic nicotine
142 delivery system or vapor product is taking place as part of a medical or
143 scientific experiment or lesson; (E) any medical research site where the
144 use of an electronic nicotine delivery system or vapor product is integral
145 to the research being conducted; (F) establishments without a permit for
146 the sale of alcoholic liquor that sell electronic nicotine delivery systems,
147 vapor products or liquid nicotine containers on-site and allow their
148 customers to use such systems, products or containers on-site; (G)
149 smoking rooms provided by employers for employees, pursuant to
150 section 31-40q; (H) notwithstanding the provisions of subparagraph (E)
151 of subdivision (1) of this subsection, the outdoor portion of the premises
152 of any permittee listed in subparagraph (E) of subdivision (1) of this
153 subsection, provided, in the case of any seating area maintained for the
154 service of food, at least seventy-five per cent of the outdoor seating
155 capacity is an area in which smoking is prohibited and which is clearly
156 designated with written signage as a nonsmoking area, except that any
157 temporary seating area established for special events and not used on a

158 regular basis shall not be subject to the prohibition on the use of an
159 electronic nicotine delivery system or vapor product or the signage
160 requirements of this subparagraph; or (I) any tobacco bar, provided [no
161 tobacco bar shall expand in size or change its location from its size or
162 location as of October 1, 2015] a tobacco bar that first begins operating
163 on or after October 1, 2020, shall (i) be located in a stand-alone building,
164 (ii) have a walk-in humidor on the premises, (iii) not be located within
165 a three-mile radius of any existing tobacco bar, unless allowed pursuant
166 to municipal zoning, or (iv) if such tobacco bar is connected to another
167 building, use its own heating, ventilation or air conditioning system to
168 prevent the comingling of air. For purposes of this subdivision,
169 "outdoor" means an area which has no roof or other ceiling enclosure,
170 "tobacco bar" means an establishment with a permit for the sale of
171 alcoholic liquor to consumers issued pursuant to chapter 545 that, (I) in
172 the calendar year ending December 31, 2015, generated ten per cent or
173 more of its total annual gross income from the on-site sale of tobacco
174 products and the rental of on-site humidors, or (II) for any tobacco bar
175 that first begins operating on or after October 1, 2020, generates fifty-
176 one per cent or more of its total annual gross income in a calendar year
177 from the on-site sale of tobacco products and the rental of on-site
178 humidors, and "tobacco product" means any substance that contains
179 tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or
180 chewing tobacco.

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

185 (d) In each room, elevator, area or building in which the use of an
186 electronic nicotine delivery system or vapor product is prohibited by
187 this section, the person in control of the premises shall post or cause to
188 be posted in a conspicuous place signs stating that such use is prohibited
189 by state law. Such signs, except in elevators, restaurants, establishments
190 with permits to sell alcoholic liquor to consumers issued pursuant to
191 chapter 545, hotels, motels or similar lodgings, and health care

192 institutions, shall have letters at least four inches high with the principal
193 strokes of letters not less than one-half inch wide.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	19a-342
Sec. 2	<i>October 1, 2020</i>	19a-342a