



General Assembly

January Session, 2021

**Raised Bill No. 5305**

LCO No. 1097



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

**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 Section 19a-342 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

5 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
6 shall smoke: (A) In any building or portion of a building, partially  
7 enclosed shelter on a rail platform or bus shelter owned and operated  
8 or leased and operated by the state or any political subdivision thereof;  
9 (B) in any area of a health care institution; (C) in any area of a retail food  
10 store; (D) in any restaurant; (E) in any area of an establishment with a  
11 permit issued for the sale of alcoholic liquor pursuant to section 30-20a,  
12 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a,  
13 30-37e or 30-37f, in any area of an establishment with a permit for the  
14 sale of alcoholic liquor pursuant to section 30-23 issued after May 1,  
15 2003, and, on and after April 1, 2004, in any area of an establishment

16 with a permit issued for the sale of alcoholic liquor pursuant to section  
17 30-22a or 30-26 or the bar area of a bowling establishment holding a  
18 permit pursuant to subsection (a) of section 30-37c; (F) within a school  
19 building or on the grounds of such school; (G) within a child care facility  
20 or on the grounds of such child care facility, except, if the child care  
21 facility is a family child care home, as defined in section 19a-77, such  
22 smoking is prohibited only when a child enrolled in such home is  
23 present; (H) in any passenger elevator, provided no person shall be  
24 arrested for violating this subsection unless there is posted in such  
25 elevator a sign which indicates that smoking is prohibited by state law;  
26 (I) in any dormitory in any public or private institution of higher  
27 education; or (J) on and after April 1, 2004, in any area of a dog race track  
28 or a facility equipped with screens for the simulcasting of off-track  
29 betting race programs or jai alai games. For purposes of this subsection,  
30 "restaurant" means space, in a suitable and permanent building, kept,  
31 used, maintained, advertised and held out to the public to be a place  
32 where meals are regularly served to the public, "school" has the same  
33 meaning as provided in section 10-154a and "child care facility" has the  
34 same meaning as provided in section 19a-342a, as amended by this act.

35 (2) This section shall not apply to (A) correctional facilities; (B)  
36 designated smoking areas in psychiatric facilities; (C) public housing  
37 projects, as defined in subsection (b) of section 21a-278a; (D) any  
38 classroom where demonstration smoking is taking place as part of a  
39 medical or scientific experiment or lesson; (E) smoking rooms provided  
40 by employers for employees, pursuant to section 31-40q; (F)  
41 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
42 of this subsection, the outdoor portion of the premises of any permittee  
43 listed in subparagraph (E) of subdivision (1) of this subsection,  
44 provided, in the case of any seating area maintained for the service of  
45 food, at least seventy-five per cent of the outdoor seating capacity is an  
46 area in which smoking is prohibited and which is clearly designated  
47 with written signage as a nonsmoking area, except that any temporary  
48 seating area established for special events and not used on a regular  
49 basis shall not be subject to the smoking prohibition or signage

50 requirements of this subparagraph; (G) any medical research site where  
51 smoking is integral to the research being conducted; or (H) any tobacco  
52 bar, provided [no tobacco bar shall expand in size or change its location  
53 from its size or location as of December 31, 2002] a tobacco bar that first  
54 begins operating on or after October 1, 2021, shall (i) be located in a  
55 stand-alone building, (ii) have a walk-in humidor on the premises, (iii)  
56 not be located within a five-mile radius of any existing tobacco bar, or  
57 (iv) if such tobacco bar is connected to another building, use its own  
58 heating, ventilation or air conditioning system to prevent the  
59 comingling of air. For purposes of this subdivision, "outdoor" means an  
60 area which has no roof or other ceiling enclosure, "tobacco bar" means  
61 an establishment with a permit for the sale of alcoholic liquor to  
62 consumers issued pursuant to chapter 545 that, (I) in the calendar year  
63 ending December 31, 2002, generated ten per cent or more of its total  
64 annual gross income from the on-site sale of tobacco products and the  
65 rental of on-site humidors, or (II) for any tobacco bar that first begins  
66 operating on or after October 1, 2021, generates fifty-one per cent or  
67 more of its total annual gross income in a calendar year from the on-site  
68 sale of tobacco products and the rental of on-site humidors, and "tobacco  
69 product" means any substance that contains tobacco, including, but not  
70 limited 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.

94 Sec. 2. Section 19a-342a of the general statutes is repealed and the  
95 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

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

108 (4) "Vapor product" has the same meaning as provided in section 21a-  
109 415.

110 (b) (1) No person shall use an electronic nicotine delivery system or

111 vapor product: (A) In any building or portion of a building owned and  
112 operated or leased and operated by the state or any political subdivision  
113 thereof; (B) in any area of a health care institution; (C) in any area of a  
114 retail food store; (D) in any restaurant; (E) in any area of an  
115 establishment with a permit issued for the sale of alcoholic liquor  
116 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-  
117 28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of  
118 establishment with a permit issued for the sale of alcoholic liquor  
119 pursuant to section 30-23 issued after May 1, 2003, or the bar area of a  
120 bowling establishment holding a permit pursuant to subsection (a) of  
121 section 30-37c; (F) within a school building or on the grounds of such  
122 school; (G) within a child care facility or on the grounds of such child  
123 care facility, except, if the child care facility is a family child care home  
124 as defined in section 19a-77, such use is prohibited only when a child  
125 enrolled in such home is present; (H) in any passenger elevator,  
126 provided no person shall be arrested for violating this subsection unless  
127 there is posted in such elevator a sign which indicates that such use is  
128 prohibited by state law; (I) in any dormitory in any public or private  
129 institution of higher education; or (J) in any area of a dog race track or a  
130 facility equipped with screens for the simulcasting of off-track betting  
131 race programs or jai alai games. For purposes of this subsection,  
132 "restaurant" means space, in a suitable and permanent building, kept,  
133 used, maintained, advertised and held out to the public to be a place  
134 where meals are regularly served to the public, and "school" has the  
135 same meaning as provided in section 10-154a.

136 (2) This section shall not apply to (A) correctional facilities; (B)  
137 designated smoking areas in psychiatric facilities; (C) public housing  
138 projects, as defined in subsection (b) of section 21a-278a; (D) any  
139 classroom where a demonstration of the use of an electronic nicotine  
140 delivery system or vapor product is taking place as part of a medical or  
141 scientific experiment or lesson; (E) any medical research site where the  
142 use of an electronic nicotine delivery system or vapor product is integral  
143 to the research being conducted; (F) establishments without a permit for  
144 the sale of alcoholic liquor that sell electronic nicotine delivery systems,

145 vapor products or liquid nicotine containers on-site and allow their  
146 customers to use such systems, products or containers on-site; (G)  
147 smoking rooms provided by employers for employees, pursuant to  
148 section 31-40q; (H) notwithstanding the provisions of subparagraph (E)  
149 of subdivision (1) of this subsection, the outdoor portion of the premises  
150 of any permittee listed in subparagraph (E) of subdivision (1) of this  
151 subsection, provided, in the case of any seating area maintained for the  
152 service of food, at least seventy-five per cent of the outdoor seating  
153 capacity is an area in which smoking is prohibited and which is clearly  
154 designated with written signage as a nonsmoking area, except that any  
155 temporary seating area established for special events and not used on a  
156 regular basis shall not be subject to the prohibition on the use of an  
157 electronic nicotine delivery system or vapor product or the signage  
158 requirements of this subparagraph; or (I) any tobacco bar, provided [no  
159 tobacco bar shall expand in size or change its location from its size or  
160 location as of October 1, 2015] a tobacco bar that first begins operating  
161 on or after October 1, 2021, shall (i) be located in a stand-alone building,  
162 (ii) have a walk-in humidor on the premises, (iii) not be located within  
163 a three-mile radius of any existing tobacco bar, unless allowed pursuant  
164 to municipal zoning, or (iv) if such tobacco bar is connected to another  
165 building, use its own heating, ventilation or air conditioning system to  
166 prevent the comingling of air. For purposes of this subdivision,  
167 "outdoor" means an area which has no roof or other ceiling enclosure,  
168 "tobacco bar" means an establishment with a permit for the sale of  
169 alcoholic liquor to consumers issued pursuant to chapter 545 that, (I) in  
170 the calendar year ending December 31, 2015, generated ten per cent or  
171 more of its total annual gross income from the on-site sale of tobacco  
172 products and the rental of on-site humidors, or (II) for any tobacco bar  
173 that first begins operating on or after October 1, 2021, generates fifty-  
174 one per cent or more of its total annual gross income in a calendar year  
175 from the on-site sale of tobacco products and the rental of on-site  
176 humidors, and "tobacco product" means any substance that contains  
177 tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or  
178 chewing tobacco.

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	19a-342
Sec. 2	<i>October 1, 2021</i>	19a-342a

**GL**            *Joint Favorable*