



General Assembly

January Session, 2019

Amendment

LCO No. 8573



Offered by:

REP. D'AGOSTINO, 91st Dist.

REP. PERILLO, 113th Dist.

To: House Bill No. 5139

File No. 464

Cal. No. 289

"AN ACT CONCERNING TOBACCO BARS."

1 Strike lines 31 to 58, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "(2) This section shall not apply to (A) correctional facilities; (B)
4 designated smoking areas in psychiatric facilities; (C) public housing
5 projects, as defined in subsection (b) of section 21a-278a; (D) any
6 classroom where demonstration smoking is taking place as part of a
7 medical or scientific experiment or lesson; (E) smoking rooms
8 provided by employers for employees, pursuant to section 31-40q; (F)
9 notwithstanding the provisions of subparagraph (E) of subdivision (1)
10 of this subsection, the outdoor portion of the premises of any permittee
11 listed in subparagraph (E) of subdivision (1) of this subsection,
12 provided, in the case of any seating area maintained for the service of
13 food, at least seventy-five per cent of the outdoor seating capacity is an
14 area in which smoking is prohibited and which is clearly designated
15 with written signage as a nonsmoking area, except that any temporary

16 seating area established for special events and not used on a regular
17 basis shall not be subject to the smoking prohibition or signage
18 requirements of this subparagraph; (G) any medical research site
19 where smoking is integral to the research being conducted; or (H) any
20 tobacco bar, provided [no tobacco bar shall expand in size or change its
21 location from its size or location as of December 31, 2002] a tobacco bar
22 that first begins operating on or after October 1, 2019, shall (i) be
23 located in a stand-alone building, or (ii) if such tobacco bar is
24 connected to another building, use its own heating, ventilation or air
25 conditioning system to prevent the comingling of air. For purposes of
26 this subdivision, "outdoor" means an area which has no roof or other
27 ceiling enclosure, "tobacco bar" means an establishment with a permit
28 for the sale of alcoholic liquor to consumers issued pursuant to chapter
29 545 that, (I) in the calendar year ending December 31, 2002, generated
30 ten per cent or more of its total annual gross income from the on-site
31 sale of tobacco products and the rental of on-site humidors, or (II) for
32 any tobacco bar that first begins operating on or after October 1, 2019,
33 generates thirty per cent or more of its total annual gross income in a
34 calendar year from the on-site sale of tobacco products and the rental
35 of on-site humidors, and "tobacco product" means any substance that
36 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
37 tobacco or chewing tobacco. "

38 Strike lines 134 to 167, inclusive, in their entirety and insert the
39 following in lieu thereof:

40 "(2) This section shall not apply to (A) correctional facilities; (B)
41 designated smoking areas in psychiatric facilities; (C) public housing
42 projects, as defined in subsection (b) of section 21a-278a; (D) any
43 classroom where a demonstration of the use of an electronic nicotine
44 delivery system or vapor product is taking place as part of a medical or
45 scientific experiment or lesson; (E) any medical research site where the
46 use of an electronic nicotine delivery system or vapor product is
47 integral to the research being conducted; (F) establishments without a
48 permit for the sale of alcoholic liquor that sell electronic nicotine
49 delivery systems, vapor products or liquid nicotine containers on-site

50 and allow their customers to use such systems, products or containers
51 on-site; (G) smoking rooms provided by employers for employees,
52 pursuant to section 31-40q; (H) notwithstanding the provisions of
53 subparagraph (E) of subdivision (1) of this subsection, the outdoor
54 portion of the premises of any permittee listed in subparagraph (E) of
55 subdivision (1) of this subsection, provided, in the case of any seating
56 area maintained for the service of food, at least seventy-five per cent of
57 the outdoor seating capacity is an area in which smoking is prohibited
58 and which is clearly designated with written signage as a nonsmoking
59 area, except that any temporary seating area established for special
60 events and not used on a regular basis shall not be subject to the
61 prohibition on the use of an electronic nicotine delivery system or
62 vapor product or the signage requirements of this subparagraph; or (I)
63 any tobacco bar, provided [no tobacco bar shall expand in size or
64 change its location from its size or location as of October 1, 2015] a
65 tobacco bar that first begins operating on or after October 1, 2019, shall
66 (i) be located in a stand-alone building, or (ii) if such tobacco bar is
67 connected to another building, use its own heating, ventilation or air
68 conditioning system to prevent the comingling of air. For purposes of
69 this subdivision, "outdoor" means an area which has no roof or other
70 ceiling enclosure, "tobacco bar" means an establishment with a permit
71 for the sale of alcoholic liquor to consumers issued pursuant to chapter
72 545 that, (I) in the calendar year ending December 31, 2015, generated
73 ten per cent or more of its total annual gross income from the on-site
74 sale of tobacco products and the rental of on-site humidors, or (II) for
75 any tobacco bar that first begins operating on or after October 1, 2019,
76 generates thirty per cent or more of its total annual gross income in a
77 calendar year from the on-site sale of tobacco products and the rental
78 of on-site humidors, and "tobacco product" means any substance that
79 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
80 tobacco or chewing tobacco."