



General Assembly

January Session, 2019

Amendment

LCO No. 10398



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, (ii) have a walk-in humidor on the
24 premises, (iii) not be located within a three-mile radius of any existing
25 tobacco bar, unless allowed pursuant to municipal zoning, or (iv) if
26 such tobacco bar is connected to another building, use its own heating,
27 ventilation or air conditioning system to prevent the comingling of air.
28 For purposes of this subdivision, "outdoor" means an area which has
29 no roof or other ceiling enclosure, "tobacco bar" means an
30 establishment with a permit for the sale of alcoholic liquor to
31 consumers issued pursuant to chapter 545 that, (I) in the calendar year
32 ending December 31, 2002, generated ten per cent or more of its total
33 annual gross income from the on-site sale of tobacco products and the
34 rental of on-site humidors, or (II) for any tobacco bar that first begins
35 operating on or after October 1, 2019, generates fifty-one per cent or
36 more of its total annual gross income in a calendar year from the on-
37 site sale of tobacco products and the rental of on-site humidors, and
38 "tobacco product" means any substance that contains tobacco,
39 including, but not limited to, cigarettes, cigars, pipe tobacco or
40 chewing tobacco. "

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

43 "(2) This section shall not apply to (A) correctional facilities; (B)
44 designated smoking areas in psychiatric facilities; (C) public housing
45 projects, as defined in subsection (b) of section 21a-278a; (D) any
46 classroom where a demonstration of the use of an electronic nicotine
47 delivery system or vapor product is taking place as part of a medical or
48 scientific experiment or lesson; (E) any medical research site where the
49 use of an electronic nicotine delivery system or vapor product is

50 integral to the research being conducted; (F) establishments without a
51 permit for the sale of alcoholic liquor that sell electronic nicotine
52 delivery systems, vapor products or liquid nicotine containers on-site
53 and allow their customers to use such systems, products or containers
54 on-site; (G) smoking rooms provided by employers for employees,
55 pursuant to section 31-40q; (H) notwithstanding the provisions of
56 subparagraph (E) of subdivision (1) of this subsection, the outdoor
57 portion of the premises of any permittee listed in subparagraph (E) of
58 subdivision (1) of this subsection, provided, in the case of any seating
59 area maintained for the service of food, at least seventy-five per cent of
60 the outdoor seating capacity is an area in which smoking is prohibited
61 and which is clearly designated with written signage as a nonsmoking
62 area, except that any temporary seating area established for special
63 events and not used on a regular basis shall not be subject to the
64 prohibition on the use of an electronic nicotine delivery system or
65 vapor product or the signage requirements of this subparagraph; or (I)
66 any tobacco bar, provided [no tobacco bar shall expand in size or
67 change its location from its size or location as of October 1, 2015] a
68 tobacco bar that first begins operating on or after October 1, 2019, shall
69 (i) be located in a stand-alone building, (ii) have a walk-in humidor on
70 the premises, (iii) not be located within a three-mile radius of any
71 existing tobacco bar, unless allowed pursuant to municipal zoning, or
72 (iv) if such tobacco bar is connected to another building, use its own
73 heating, ventilation or air conditioning system to prevent the
74 comingling of air.

75 For purposes of this subdivision, "outdoor" means an area which
76 has no roof or other ceiling enclosure, "tobacco bar" means an
77 establishment with a permit for the sale of alcoholic liquor to
78 consumers issued pursuant to chapter 545 that, (I) in the calendar year
79 ending December 31, 2015, generated ten per cent or more of its total
80 annual gross income from the on-site sale of tobacco products and the
81 rental of on-site humidors, or (II) for any tobacco bar that first begins
82 operating on or after October 1, 2019, generates fifty-one per cent or
83 more of its total annual gross income in a calendar year from the on-

84 site sale of tobacco products and the rental of on-site humidors, and
85 "tobacco product" means any substance that contains tobacco,
86 including, but not limited to, cigarettes, cigars, pipe tobacco or
87 chewing tobacco."