



General Assembly

Amendment

January Session, 2019

LCO No. 10328



Offered by:
REP. PERILLO, 113th Dist.

To: Subst. Senate Bill No. 647 File No. 592 Cal. No.

(As Amended)

"AN ACT STREAMLINING THE LIQUOR CONTROL ACT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 19a-342 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

7 (b) (1) Notwithstanding the provisions of section 31-40q, no person
8 shall smoke: (A) In any building or portion of a building, partially
9 enclosed shelter on a rail platform or bus shelter owned and operated
10 or leased and operated by the state or any political subdivision thereof;
11 (B) in any area of a health care institution; (C) in any area of a retail
12 food store; (D) in any restaurant; (E) in any area of an establishment
13 with a permit issued for the sale of alcoholic liquor pursuant to section

14 30-20a, 30-21, 30-21b, 30-22, as amended by this act, 30-22c, 30-28, 30-
15 28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, as amended by this
16 act, in any area of an establishment with a permit for the sale of
17 alcoholic liquor pursuant to section 30-23 issued after May 1, 2003,
18 and, on and after April 1, 2004, in any area of an establishment with a
19 permit issued for the sale of alcoholic liquor pursuant to section 30-22a
20 or 30-26 or the bar area of a bowling establishment holding a permit
21 pursuant to subsection (a) of section 30-37c; (F) within a school
22 building while school is in session or student activities are being
23 conducted; (G) 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 (H) in any dormitory in any public or private institution of higher
27 education; or (I) on and after April 1, 2004, in any area of a dog race
28 track or a facility equipped with screens for the simulcasting of off-
29 track betting race programs or jai alai games. For purposes of this
30 subsection, "restaurant" means space, in a suitable and permanent
31 building, kept, used, maintained, advertised and held out to the public
32 to be a place where meals are regularly served to the public.

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

48 requirements of this subparagraph; (G) any medical research site
49 where smoking is integral to the research being conducted; or (H) any
50 tobacco bar, provided [no tobacco bar shall expand in size or change its
51 location from its size or location as of December 31, 2002] a tobacco bar
52 that first begins operating on or after October 1, 2019, shall (i) be
53 located in a stand-alone building, or (ii) if such tobacco bar is
54 connected to another building, use its own heating, ventilation or air
55 conditioning system to prevent the comingling of air. For purposes of
56 this subdivision, "outdoor" means an area which has no roof or other
57 ceiling enclosure, "tobacco bar" means an establishment with a permit
58 for the sale of alcoholic liquor to consumers issued pursuant to chapter
59 545 that, (I) in the calendar year ending December 31, 2002, generated
60 ten per cent or more of its total annual gross income from the on-site
61 sale of tobacco products and the rental of on-site humidors, or (II) for
62 any tobacco bar that first begins operating on or after October 1, 2019,
63 generates thirty per cent or more of its total annual gross income in a
64 calendar year from the on-site sale of tobacco products and the rental
65 of on-site humidors, and "tobacco product" means any substance that
66 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
67 tobacco or chewing tobacco.

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

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

80 (e) Any person found guilty of smoking in violation of this section,

81 failure to post signs as required by this section or the unauthorized
82 removal of such signs shall have committed an infraction. Nothing in
83 this section shall be construed to require the person in control of a
84 building to post such signs in every room of a building, provided such
85 signs are posted in a conspicuous place in such building.

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

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

91 Sec. 502. Section 19a-342a of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

97 (2) "Electronic nicotine delivery system" means an electronic device
98 that may be used to simulate smoking in the delivery of nicotine or
99 other substances to a person inhaling from the device, and includes,
100 but is not limited to, an electronic cigarette, electronic cigar, electronic
101 cigarillo, electronic pipe or electronic hookah and any related device
102 and any cartridge or other component of such device;

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

109 (4) "Vapor product" means any product that employs a heating
110 element, power source, electronic circuit or other electronic, chemical

111 or mechanical means, regardless of shape or size, to produce a vapor
112 that may or may not include nicotine, that is inhaled by the user of
113 such product, but shall not include a medicinal or therapeutic product
114 used by a (A) licensed health care provider to treat a patient in a health
115 care setting, or (B) a patient, as prescribed or directed by a licensed
116 health care provider in any setting.

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

143 (2) This section shall not apply to (A) correctional facilities; (B)
144 designated smoking areas in psychiatric facilities; (C) public housing

145 projects, as defined in subsection (b) of section 21a-278a; (D) any
146 classroom where a demonstration of the use of an electronic nicotine
147 delivery system or vapor product is taking place as part of a medical or
148 scientific experiment or lesson; (E) any medical research site where the
149 use of an electronic nicotine delivery system or vapor product is
150 integral to the research being conducted; (F) establishments without a
151 permit for the sale of alcoholic liquor that sell electronic nicotine
152 delivery systems, vapor products or liquid nicotine containers on-site
153 and allow their customers to use such systems, products or containers
154 on-site; (G) smoking rooms provided by employers for employees,
155 pursuant to section 31-40q; (H) notwithstanding the provisions of
156 subparagraph (E) of subdivision (1) of this subsection, the outdoor
157 portion of the premises of any permittee listed in subparagraph (E) of
158 subdivision (1) of this subsection, provided, in the case of any seating
159 area maintained for the service of food, at least seventy-five per cent of
160 the outdoor seating capacity is an area in which smoking is prohibited
161 and which is clearly designated with written signage as a nonsmoking
162 area, except that any temporary seating area established for special
163 events and not used on a regular basis shall not be subject to the
164 prohibition on the use of an electronic nicotine delivery system or
165 vapor product or the signage requirements of this subparagraph; or (I)
166 any tobacco bar, provided [no tobacco bar shall expand in size or
167 change its location from its size or location as of October 1, 2015] a
168 tobacco bar that first begins operating on or after October 1, 2019, shall
169 (i) be located in a stand-alone building, or (ii) if such tobacco bar is
170 connected to another building, use its own heating, ventilation or air
171 conditioning system to prevent the comingling of air. For purposes of
172 this subdivision, "outdoor" means an area which has no roof or other
173 ceiling enclosure, "tobacco bar" means an establishment with a permit
174 for the sale of alcoholic liquor to consumers issued pursuant to chapter
175 545 that, (I) in the calendar year ending December 31, 2015, generated
176 ten per cent or more of its total annual gross income from the on-site
177 sale of tobacco products and the rental of on-site humidors, or (II) for
178 any tobacco bar that first begins operating on or after October 1, 2019,
179 generates thirty per cent or more of its total annual gross income in a

180 calendar year from the on-site sale of tobacco products and the rental
181 of on-site humidors, and "tobacco product" means any substance that
182 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
183 tobacco or chewing tobacco.

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

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

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

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

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

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| This act shall take effect as follows and shall amend the following sections: | | |
| Sec. 501 | October 1, 2019 | 19a-342 |

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| Sec. 502 | <i>October 1, 2019</i> | 19a-342a |
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