



General Assembly

February Session, 2020

Raised Bill No. 160

LCO No. 1404



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING SMOKING IN NURSING HOMES, ASSISTED LIVING FACILITIES AND OTHER HOUSING FOR THE ELDERLY.

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2 statutes is repealed and the following is substituted in lieu thereof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, including, but not limited to,
11 a nursing home facility as defined in section 19a-490; (C) in any area of
12 a retail food store; (D) in any restaurant; (E) in any area of an
13 establishment with a permit issued for the sale of alcoholic liquor
14 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-
15 33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an

16 establishment with a permit for the sale of alcoholic liquor pursuant to
17 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in
18 any area of an establishment with a permit issued for the sale of
19 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
20 bowling establishment holding a permit pursuant to subsection (a) of
21 section 30-37c; (F) within a school building or on the grounds of such
22 school; (G) within a child care facility or on the grounds of such child
23 care facility, except, if the child care facility is a family child care home,
24 as defined in section 19a-77, such smoking is prohibited only when a
25 child enrolled in such home is present; (H) in any passenger elevator,
26 provided no person shall be arrested for violating this subsection unless
27 there is posted in such elevator a sign which indicates that smoking is
28 prohibited by state law; (I) in any dormitory in any public or private
29 institution of higher education; or (J) on and after April 1, 2004, in any
30 area of a dog race track or a facility equipped with screens for the
31 simulcasting of off-track betting race programs or jai alai games. For
32 purposes of this subsection, "restaurant" means space, in a suitable and
33 permanent building, kept, used, maintained, advertised and held out to
34 the public to be a place where meals are regularly served to the public,
35 "school" has the same meaning as provided in section 10-154a and "child
36 care facility" has the same meaning as provided in section 19a-342a.

37 (2) This section shall not apply to (A) correctional facilities; (B)
38 designated smoking areas in psychiatric facilities; (C) public housing
39 projects, as defined in subsection (b) of section 21a-278a, except for state
40 or federally subsidized housing, including assisted living facilities,
41 designated for elderly persons pursuant to chapter 128; (D) any
42 classroom where demonstration smoking is taking place as part of a
43 medical or scientific experiment or lesson; (E) smoking rooms provided
44 by employers for employees, pursuant to section 31-40q; (F)
45 notwithstanding the provisions of subparagraph (E) of subdivision (1)
46 of this subsection, the outdoor portion of the premises of any permittee
47 listed in subparagraph (E) of subdivision (1) of this subsection,
48 provided, in the case of any seating area maintained for the service of
49 food, at least seventy-five per cent of the outdoor seating capacity is an

50 area in which smoking is prohibited and which is clearly designated
51 with written signage as a nonsmoking area, except that any temporary
52 seating area established for special events and not used on a regular
53 basis shall not be subject to the smoking prohibition or signage
54 requirements of this subparagraph; (G) any medical research site where
55 smoking is integral to the research being conducted; or (H) any tobacco
56 bar, provided no tobacco bar shall expand in size or change its location
57 from its size or location as of December 31, 2002. For purposes of this
58 subdivision, "outdoor" means an area which has no roof or other ceiling
59 enclosure, "tobacco bar" means an establishment with a permit for the
60 sale of alcoholic liquor to consumers issued pursuant to chapter 545 that,
61 in the calendar year ending December 31, 2002, generated ten per cent
62 or more of its total annual gross income from the on-site sale of tobacco
63 products and the rental of on-site humidors, and "tobacco product"
64 means any substance that contains tobacco, including, but not limited
65 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

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

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

78 (e) Any person found guilty of smoking in violation of this section,
79 failure to post signs as required by this section or the unauthorized
80 removal of such signs shall have committed an infraction. Nothing in
81 this section shall be construed to require the person in control of a
82 building to post such signs in every room of a building, provided such

83 signs are posted in a conspicuous place in such building.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2020	19a-342

Statement of Purpose:

To protect the health of elderly residents by ensuring that smoking is not allowed in nursing home facilities and state or federally subsidized housing designated for elderly persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]