



General Assembly

January Session, 2021

Raised Bill No. 815

LCO No. 1707



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 Section 19a-342 of the general statutes is repealed and the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, including, but not limited to,
10 a nursing home facility as defined in section 19a-490; (C) in any area of
11 a retail food store; (D) in any restaurant; (E) in any area of an
12 establishment with a permit issued for the sale of alcoholic liquor
13 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-
14 33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
15 establishment with a permit for the sale of alcoholic liquor pursuant to

16 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in
17 any area of an establishment with a permit issued for the sale of
18 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
19 bowling establishment holding a permit pursuant to subsection (a) of
20 section 30-37c; (F) within a school building or on the grounds of such
21 school; (G) within a child care facility or on the grounds of such child
22 care facility, except, if the child care facility is a family child care home,
23 as defined in section 19a-77, such smoking is prohibited only when a
24 child enrolled in such home is present; (H) in any passenger elevator,
25 provided no person shall be arrested for violating this subsection unless
26 there is posted in such elevator a sign which indicates that smoking is
27 prohibited by state law; (I) in any dormitory in any public or private
28 institution of higher education; [or] (J) on and after April 1, 2004, in any
29 area of a dog race track or a facility equipped with screens for the
30 simulcasting of off-track betting race programs or jai alai games; (K) in
31 any public housing unit where smoking is not permitted pursuant to 24
32 CFR 965.653, as amended from time to time; or (L) in common areas or
33 within twenty-five feet of entrances or exits of public housing for elderly
34 persons, including assisted living facilities, designated pursuant to
35 chapter 128 and not otherwise subject to regulation under 24 CFR
36 965.653, as amended from time to time. For purposes of this subsection,
37 "restaurant" means space, in a suitable and permanent building, kept,
38 used, maintained, advertised and held out to the public to be a place
39 where meals are regularly served to the public, "school" has the same
40 meaning as provided in section 10-154a and "child care facility" has the
41 same meaning as provided in section 19a-342a.

42 (2) This section shall not apply to (A) correctional facilities; (B)
43 designated smoking areas in psychiatric facilities; (C) public housing
44 projects, as defined in subsection (b) of section 21a-278a, except for those
45 where smoking is not permitted pursuant to 24 CFR 965.653, as
46 amended from time to time; (D) any classroom where demonstration smoking
47 is taking place as part of a medical or scientific experiment or lesson; (E)
48 smoking rooms provided by employers for employees, pursuant to
49 section 31-40q; (F) notwithstanding the provisions of subparagraph (E)

50 of subdivision (1) of this subsection, the outdoor portion of the premises
51 of any permittee listed in subparagraph (E) of subdivision (1) of this
52 subsection, provided, in the case of any seating area maintained for the
53 service of food, at least seventy-five per cent of the outdoor seating
54 capacity is an area in which smoking is prohibited and which is clearly
55 designated with written signage as a nonsmoking area, except that any
56 temporary seating area established for special events and not used on a
57 regular basis shall not be subject to the smoking prohibition or signage
58 requirements of this subparagraph; (G) any medical research site where
59 smoking is integral to the research being conducted; or (H) any tobacco
60 bar, provided no tobacco bar shall expand in size or change its location
61 from its size or location as of December 31, 2002. For purposes of this
62 subdivision, "outdoor" means an area which has no roof or other ceiling
63 enclosure, "tobacco bar" means an establishment with a permit for the
64 sale of alcoholic liquor to consumers issued pursuant to chapter 545 that,
65 in the calendar year ending December 31, 2002, generated ten per cent
66 or more of its total annual gross income from the on-site sale of tobacco
67 products and the rental of on-site humidors, and "tobacco product"
68 means any substance that contains tobacco, including, but not limited
69 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

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

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

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

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

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

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

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

Statement of Purpose:

To protect the health of elderly persons by restricting cigarette smoking.

[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.]