

ASSEMBLY, No. 2555

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Creates cigar night smoking ban exemption at racetracks and off-track wagering facilities.

CURRENT VERSION OF TEXT

As introduced.



A2555 DEANGELO

2

1 AN ACT creating a cigar night smoking ban exemption for
2 racetracks and off-track wagering facilities and amending
3 P.L.2005, c.383.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to
9 read as follows:

10 5. The provisions of this act shall not apply to:

11 a. any cigar bar or cigar lounge that, in the calendar year
12 ending December 31, 2004, generated 15% or more of its total
13 annual gross income from the on-site sale of tobacco products and
14 the rental of on-site humidors, not including any sales from vending
15 machines, and is registered with the local board of health in the
16 municipality in which the bar or lounge is located. The registration
17 shall remain in effect for one year and shall be renewable only if:
18 (1) in the preceding calendar year, the cigar bar or lounge generated
19 15% or more of its total annual gross income from the on-site sale
20 of tobacco products and the rental of on-site humidors, and (2) the
21 cigar bar or cigar lounge has not expanded its size or changed its
22 location since December 31, 2004;

23 b. any tobacco retail establishment, or any area the tobacco
24 retail establishment provides for the purposes of smoking;

25 c. any tobacco business when the testing of a cigar or pipe
26 tobacco by heating, burning or smoking is a necessary and integral
27 part of the process of making, manufacturing, importing or
28 distributing cigars or pipe tobacco;

29 d. private homes, private residences and private automobiles;

30 e. the area within the perimeter of:

31 (1) any casino as defined in section 6 of P.L.1977, c.110
32 (C.5:12-6) approved by the Casino Control Commission that
33 contains at least 150 stand-alone slot machines, 10 table games, or
34 some combination thereof approved by the commission, which
35 machines and games are available to the public for wagering; and

36 (2) any casino simulcasting facility approved by the Casino
37 Control Commission pursuant to section 4 of P.L.1992, c.19
38 (C.5:12-194) that contains a simulcast counter and dedicated seating
39 for at least 50 simulcast patrons or a simulcast operation and at least
40 10 table games, which simulcast facilities and games are available
41 to the public for wagering;

42 (3) any racetrack, as defined in section 3 of P.L.2001, c.199
43 (C.5:5-129), in controlled specified areas for the purposes of a cigar
44 night or similar event wherein smoking shall be permitted
45 temporarily, not to exceed five times per year per racetrack; and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (4) any off-track wagering facility, as defined in section 3 of
2 P.L.2001, c.199 (C.5:5-129), in controlled specified areas for the
3 purposes of a cigar night or similar event wherein smoking shall be
4 permitted temporarily, not to exceed five times per year per off-
5 track wagering facility.

6 f. research laboratories and other facilities that have been
7 approved by the Department of Health to permit smoking for the
8 purpose of medical research related to the health effects of
9 smoking, in an indoor facility that is separately ventilated for the
10 purpose of medical or scientific research that is conducted under
11 physician supervision and has been approved by an Investigational
12 Review Board (IRB), if the facility is used solely and exclusively
13 for clinical research activities.

14 (cf: P.L.2017, c.271, s.5)

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill creates an exemption to the smoking ban on indoor
22 public places by permitting racetracks and off-track wagering
23 facilities to host “cigar nights.” The “cigar nights” will be permitted
24 in controlled specified areas no more than five times per year per
25 facility.