

**SENATE, No. 3361**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED JUNE 26, 2017

**Sponsored by:**

**Senator JENNIFER BECK**

**District 11 (Monmouth)**

**Senator ROBERT M. GORDON**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senator Rice**

**SYNOPSIS**

Permits smoking in certain facilities for purpose of medical or health-related scientific research.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/6/2017)**

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

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

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

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

29 **[and]**

30 e. the area within the perimeter of:

31 (1) any casino as defined in section 6 of P.L.1977, c.110 (C.5:12-  
32 6) approved by the Casino Control Commission that contains at least  
33 150 stand-alone slot machines, 10 table games, or some combination  
34 thereof approved by the commission, which machines and games are  
35 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 (C.5:12-  
38 194) that contains a simulcast counter and dedicated seating for at least  
39 50 simulcast patrons or a simulcast operation and at least 10 table  
40 games, which simulcast facilities and games are available to the public  
41 for wagering; and

42 f. research laboratories and other facilities that have been  
43 approved by the Department of Health to permit smoking for the  
44 purpose of medical research related to the health effects of smoking, in  
45 an indoor facility that is separately ventilated for the purpose of

**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.

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1 medical or scientific research that is conducted under physician  
2 supervision and has been approved by an Investigational Review  
3 Board (IRB), if the facility is used solely and exclusively for clinical  
4 research activities.

5 (cf: P.L.2005, c.383, s.5)

6

7 2. This act shall take effect immediately.