

[First Reprint]

ASSEMBLY, No. 1024

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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SYNOPSIS

Provides that cigar bars and lounges may renew lapsed registration to permit indoor smoking under certain circumstances.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 15, 2018.



1 AN ACT concerning cigar bars and lounges and amending P.L.2005,
2 c.383.

3

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

6

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

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

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

22 b. any tobacco retail establishment, or any area the tobacco
23 retail 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
26 part of the process of making, manufacturing, importing, or
27 distributing 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
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; ¹**[and]**¹

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.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted February 15, 2018.

1 in an indoor facility that is separately ventilated for the purpose of
2 medical or scientific research that is conducted under physician
3 supervision and has been approved by an Investigational Review
4 Board (IRB), if the facility is used solely and exclusively for
5 clinical research activities; ¹and¹

6 g. any cigar bar or lounge previously registered with the local
7 board of health pursuant to subsection a. of this section that has,
8 pursuant to this subsection, renewed that registration following a
9 period of lapse. A lapsed registration may be renewed only if: (1)
10 no more than ¹[five] ¹⁰ years have elapsed since the date the
11 registration lapsed, (2) in the calendar year immediately preceding
12 the lapse, the cigar bar or lounge 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, and (3) the cigar bar or lounge has
15 not expanded its size or changed its location since December 31,
16 2004. A registration renewed pursuant to this subsection shall
17 remain in effect for one year, and shall be renewable thereafter only
18 if it meets the requirements for renewal as set forth in this
19 subsection or subsection a. of this section.

20 (cf: P.L.2017, c.271, s.1)

21
22 2. The Commissioner of Human Services shall, pursuant to the
23 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
24 seq.), adopt such rules and regulations as may be necessary to
25 implement the provisions of this act.

26
27 3. This act shall take effect immediately.