

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO ASSEMBLY, No. 4102

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4102.

As amended and reported by the committee, this bill revises the “New Jersey Smoke-Free Air Act” to permit a cigar bar or lounge with a lapsed exemption from the act’s prohibition on indoor smoking to renew that exemption under certain circumstances.

The “New Jersey Smoke-Free Air Act” prohibits indoor smoking in public places with certain exemptions, including cigar bars and lounges. To qualify for the exemption, a cigar bar or lounge is required to meet certain structural and ventilation requirements; in the calendar year ending December 31, 2004, and each year thereafter, to have generated 15 percent or more of its total annual gross income from the sale of tobacco products and the rental of on-site humidors; and to not have expanded or changed size since December 31, 2004. The cigar bar or lounge additionally is required to register with the local board of health; this annual registration may be renewed only if the cigar bar or lounge continues to meet the gross revenue requirement and the requirement that it not have expanded or changed locations.

The amended bill provides that, if a cigar bar or lounge’s exemption has lapsed, the cigar bar or lounge may renew the exemption, provided that: (1) no more than 10 years have passed since the date of the lapse; (2) the cigar bar or lounge qualified for the exemption at the time of the lapse; and (3) the cigar bar or lounge currently meets the requirements for the exemption. An exemption under the bill is for one year; a subsequent exemption may be granted only if the cigar bar or lounge continues to meet the requirements for the exemption or meets the requirements to renew a lapsed exemption.

As amended and reported by the committee, Assembly Bill No. 4102 is identical to Senate Bill No. 2626, which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to update current law to conform with the provisions of P.L.2018, c.64 and to make technical corrections.