

[First Reprint]

**SENATE, No. 2626**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JUNE 4, 2018

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Allows cigar bars and lounges to renew lapsed exemption from ban on indoor smoking under certain circumstances.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on September 17, 2018, with amendments.



1 AN ACT concerning indoor smoking and amending P.L.2005, c.383.

2

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

5

6 <sup>1</sup>**[1.** Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to  
7 read as follows:

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

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

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

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

41 f. research laboratories and other facilities that have been  
42 approved by the Department of Health to permit smoking for the  
43 purpose of medical research related to the health effects of smoking,  
44 in 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted September 17, 2018.

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  
4 clinical research activities; and

5 g. any cigar bar or lounge previously registered with the local  
6 board of health pursuant to subsection a. of this section that has, in  
7 accordance with the requirements of this subsection, renewed that  
8 registration following a period of lapse. A cigar bar or cigar lounge  
9 registration which has lapsed may be renewed under this subsection  
10 if: (1) no more than 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 percent or more of its  
13 total annual gross income from the on-site sale of tobacco products  
14 and the rental of on-site humidors; and (3) the cigar bar or lounge  
15 has not expanded its size or changed its location since December  
16 31, 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)]<sup>1</sup>

21  
22 <sup>1</sup>1. Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to  
23 read as follows:

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

25 a. any cigar bar or cigar lounge that, in the calendar year  
26 ending December 31, 2004, generated **【15%】** 15 percent or more of  
27 its total annual gross income from the on-site sale of tobacco  
28 products and the rental of on-site humidors, not including any sales  
29 from vending machines, and is registered with the local board of  
30 health in the municipality in which the bar or lounge is located.  
31 The registration shall remain in effect for one year and shall be  
32 renewable only if: (1) in the preceding calendar year, the cigar bar  
33 or lounge generated **【15%】** 15 percent or more of its total annual  
34 gross income from the on-site sale of tobacco products and the  
35 rental of on-site humidors, and (2) the cigar bar or cigar lounge has  
36 not expanded its size or changed its location since December 31,  
37 2004;

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

40 c. any tobacco business when the testing of a cigar or pipe  
41 tobacco by heating, burning or smoking is a necessary and integral  
42 part of the process of making, manufacturing, importing, or  
43 distributing cigars or pipe tobacco;

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

45 e. the area within the perimeter of:

46 (1) any casino as defined in section 6 of P.L.1977, c.110  
47 (C.5:12-6) approved by the Casino Control Commission that

1 contains at least 150 stand-alone slot machines, 10 table games, or  
2 some combination thereof approved by the commission, which  
3 machines and games are available to the public for wagering; and

4 (2) any casino simulcasting facility approved by the Casino  
5 Control Commission pursuant to section 4 of P.L.1992, c.19  
6 (C.5:12-194) that contains a simulcast counter and dedicated seating  
7 for at least 50 simulcast patrons or a simulcast operation and at least  
8 10 table games, which simulcast facilities and games are available  
9 to the public for wagering;

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

18 g. a golf course; **[and]**

19 h. an area of a municipal or county beach, not to exceed 15  
20 percent of the total area of the beach, which is designated by the  
21 municipality or county by ordinance or resolution as a smoking  
22 area; and

23 i. any cigar bar or lounge previously registered with the local  
24 board of health pursuant to subsection a. of this section that has, in  
25 accordance with the requirements of this subsection, renewed that  
26 registration following a period of lapse. A cigar bar or cigar lounge  
27 registration which has lapsed may be renewed under this subsection  
28 if: (1) no more than 10 years have elapsed since the date the  
29 registration lapsed; (2) in the calendar year immediately preceding  
30 the lapse, the cigar bar or lounge generated 15 percent or more of its  
31 total annual gross income from the on-site sale of tobacco products  
32 and the rental of on-site humidors; and (3) the cigar bar or lounge  
33 has not expanded its size or changed its location since December  
34 31, 2004. A registration renewed pursuant to this subsection shall  
35 remain in effect for one year, and shall be renewable thereafter only  
36 if it meets the requirements for renewal as set forth in this  
37 subsection or subsection a. of this section.<sup>1</sup>

38 (cf: P.L.2018, c.64, s.4)

39  
40 2. The Commissioner of Health, pursuant to the  
41 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
42 seq.), shall adopt such rules and regulations as shall be necessary to  
43 implement the provisions of this act.

44  
45 3. This act shall take effect immediately.