# ASSEMBLY, No. 2236

# STATE OF NEW JERSEY

## 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

**Sponsored by:**
**Assemblyman CHRISTOPHER "KIP" BATEMAN**
**District 16 (Morris and Somerset)**

**SYNOPSIS**

Prohibits smoking in casino gaming areas and casino simulcasting facilities.

**CURRENT VERSION OF TEXT**

As introduced.

**AN ACT** prohibiting smoking in casino gaming areas and casino simulcasting facilities, and amending and supplementing P.L.2005, c.383 (C.26:3D-55 et seq.).

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

1. (New section) The Legislature finds and declares that it is in the interest of protecting the public health of all citizens of this State to extend the prohibition on smoking in indoor public places provided for in P.L.2005, c.383 (C.26:3D-55 et seq.) to casino gaming areas and casino simulcasting facilities.

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

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

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

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

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

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

e. **[**the area within the perimeter of:

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

(2) any casino simulcasting facility approved by the Casino Control Commission pursuant to section 4 of P.L.1992, c.19 (C.5:12-194) that contains a simulcast counter and dedicated seating

**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 <u>thus</u> is new matter.**

for at least 50 simulcast patrons or a simulcast operation and at least 10 table games, which simulcast facilities and games are available to the public for wagering] (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill).

3. This act shall take effect immediately.

STATEMENT

This bill amends the "New Jersey Smoke-Free Air Act," N.J.S.A.26:3D-55 et seq., to prohibit smoking in casinos and casino simulcasting facilities. Current law prohibits smoking in most indoor public places and workplaces, with certain exceptions, including indoor public places and workplaces which are within the perimeter of casinos and casino simulcasting facilities and accessible to the public for wagering. This bill would eliminate these exceptions from the smoking ban. This bill would protect all workers in New Jersey from the hazards of second hand smoke by requiring that casinos and casino simulcasting facilities be smoke-free workplaces.