ASSEMBLY, No. 3124

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Creates cigar night smoking ban exemption at racetracks and off-track wagering facilities.

CURRENT VERSION OF TEXT

As introduced.

AN ACT creating a cigar night smoking ban exemption for racetracks and off-track wagering facilities and amending P.L.2005, c.383.

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

1. 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 percent 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 percent or more of 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;

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 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;

(3) any racetrack, as defined in section 3 of P.L.2001, c.199 (C.5:5-129), in controlled specified areas for the purposes of a cigar night or similar event wherein smoking shall be permitted temporarily, not to exceed five times per year per racetrack; and

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.

(4) any off-track wagering facility, as defined in section 3 of P.L.2001, c.199 (C.5:5-129), in controlled specified areas for the purposes of a cigar night or similar event wherein smoking shall be permitted temporarily, not to exceed five times per year per off-track wagering facility;

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

g. a golf course;

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

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

(cf: P.L.2018, c.158, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill creates an exemption to the smoking ban on indoor public places by permitting racetracks and off-track wagering facilities to host “cigar nights.” The “cigar nights” will be permitted in controlled specified areas no more than five times per year per facility.