

SENATE, No. 172

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Prohibits smoking in guest rooms of certain hotels.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning smoking in hotel guest rooms, amending
2 P.L.2005, c.383 and repealing section 6 of P.L.2005, 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 of its total annual gross income from the on-site sale
19 of 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 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
45 medical or scientific research that is conducted under physician

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.

1 supervision and has been approved by an Investigational Review
2 Board (IRB), if the facility is used solely and exclusively for
3 clinical research activities; and

4 g. the guest rooms of an approved casino hotel as defined in
5 section 19 of P.L.1977, c.110 (C.5:12-19).

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

7
8 2. Section 6 of P.L.2005, c.383 (C.26:3D-60) is repealed.

9
10 3. This act shall take effect on the first day of the third month
11 following the date of enactment.

12
13
14 STATEMENT

15
16 This bill prohibits smoking in any of the guest rooms in hotels,
17 motels, or other lodging establishments in the State, except for
18 guest rooms in approved casino hotels. Current law allows a hotel,
19 motel or other lodging establishment to permit smoking in up to 20
20 percent of its guest rooms. This bill repeals that provision of law,
21 and adds the guest rooms of approved casino hotels to the list of
22 establishments and premises that are not subject to the provisions of
23 the “New Jersey Smoke-Free Air Act.”