

# SENATE, No. 504

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## STATE OF NEW JERSEY

### 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator CHRIS A. BROWN**

**District 2 (Atlantic)**

**SYNOPSIS**

Authorizes establishment of new cigar bars in Atlantic City Tourism District.

**CURRENT VERSION OF TEXT**

As introduced.



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

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

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7       1.   Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to read  
8 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 ending  
11 December 31, 2004, generated 15 percent or more of its total annual  
12 gross income from the on-site sale of tobacco products and the rental  
13 of on-site humidors, not including any sales from vending machines,  
14 and is registered with the local board of health in the municipality in  
15 which the bar or lounge is located. The registration shall remain in  
16 effect for one year and shall be renewable only if: (1) in the preceding  
17 calendar year, the cigar bar or lounge generated 15 percent or more  
18 of its total annual gross income from the on-site sale of tobacco  
19 products and the rental of on-site humidors, and (2) the cigar bar or  
20 cigar lounge has not expanded its size or changed its location since  
21 December 31, 2004;

22      b.   any tobacco retail establishment, or any area the tobacco retail  
23 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 (C.5:12-  
31 6) approved by the Casino Control Commission that contains at least  
32 150 stand-alone slot machines, 10 table games, or some combination  
33 thereof approved by the commission, which machines and games are  
34 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 (C.5:12-  
37 194) that contains a simulcast counter and dedicated seating for at  
38 least 50 simulcast patrons or a simulcast operation and at least 10  
39 table games, which simulcast facilities and games are available to the  
40 public for wagering;

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 clinical  
3 research activities;

4 g. a golf course;

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

8 **[and]**

9 i. any cigar bar or lounge previously registered with the local  
10 board of health pursuant to subsection a. of this section that has, in  
11 accordance with the requirements of this subsection, renewed that  
12 registration following a period of lapse. A cigar bar or cigar lounge  
13 registration which has lapsed may be renewed under this subsection  
14 if: (1) no more than 10 years have elapsed since the date the  
15 registration lapsed; (2) in the calendar year immediately preceding  
16 the lapse, the cigar bar or lounge generated 15 percent or more of its  
17 total annual gross income from the on-site sale of tobacco products  
18 and the rental of on-site humidors; and (3) the cigar bar or lounge has  
19 not expanded its size or changed its location since December 31,  
20 2004. A registration renewed pursuant to this subsection shall remain  
21 in effect for one year, and shall be renewable thereafter only if it  
22 meets the requirements for renewal as set forth in this subsection or  
23 subsection a. of this section; and

24 j. a cigar bar located in the Atlantic City Tourism District  
25 established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219),  
26 provided that, notwithstanding any ordinance or regulation to the  
27 contrary:

28 (1) the cigar bar is not located on the premises of a casino or  
29 casino simulcasting facility;

30 (2) the cigar bar is registered with the local board of health and  
31 has been approved as a permitted use by the Casino Reinvestment  
32 Development Authority established pursuant to section 5 of  
33 P.L.1984, c.218 (C.5:12-153);

34 (3) smoking in the cigar bar is limited to cigars only;

35 (4) a retail license or permit issued pursuant to Title 33 of the  
36 Revised Statutes that authorizes the sale of alcoholic beverages for  
37 consumption on the licensed premises is used in connection with the  
38 cigar bar, the entire premises of which shall constitute the licensed  
39 premises; and

40 (5) the cigar bar restricts entry to persons 21 years of age and  
41 older.

42 Notwithstanding any other provision of law or regulation to the  
43 contrary, for the purposes of R.S.33:1-12, all sales of cigars and food  
44 at a cigar bar that is subject to the provisions of this subsection shall  
45 deemed an accommodation to patrons of the cigar bar, and all  
46 nonalcoholic beverages sold to patrons of the cigar bar shall be  
47 deemed as accessory beverages to alcoholic beverages.

48 (cf: P.L.2018, c.58, s.1)

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill would establish a new exemption from the requirements  
7 of the “New Jersey Smoke-Free Air Act” to allow additional cigar  
8 bars to open in the Atlantic City Tourism District. The bill would  
9 require that any cigar bar established under its provisions be  
10 registered with the local board of health and approved as a permitted  
11 use by the Casino Reinvestment Development Authority. Smoking  
12 in the new cigar bars would be limited to cigars, and the new bars  
13 would not be located on the premises of a casino. A cigar bar  
14 authorized under the bill will be required to have a license or permit  
15 authorizing the sale of alcoholic beverages for consumption on the  
16 premises, and to restrict entry to only persons 21 years of age and  
17 older. For the purposes of complying with State laws concerning  
18 retail liquor licenses, all sales of cigars and food at the cigar bar will  
19 be deemed to be an accommodation to patrons, and all nonalcoholic  
20 beverage sales will be deemed as accessory to alcoholic beverages.

21       It is the sponsor’s belief that allowing new cigar bars and lounges  
22 to open will help promote tourism, enhance the Atlantic City  
23 experience, allow vacant properties to be redeveloped into thriving  
24 businesses, and stimulate additional commercial development in the  
25 Atlantic City Tourism District.