

ASSEMBLY, No. 2151

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

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SYNOPSIS

Eliminates smoking ban exemption for casinos and simulcasting facilities.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/30/2023)

A2151 MOEN, MORIARTY

2

1 AN ACT amending P.L.2005, c.383, the “New Jersey Smoke-Free
2 Air Act.”

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 percent 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 percent or more of its total annual gross income from the on-site
19 sale of tobacco products and the rental of on-site humidors, and (2)
20 the cigar bar or cigar lounge has not expanded its size or changed
21 its 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;**】** (Deleted by amendment, P.L. , c.)
41 (pending before the Legislature as this bill)

42 f. research laboratories and other facilities that have been
43 approved by the Department of Health to permit smoking for the
44 purpose of medical research related to the health effects of smoking,
45 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.

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;
5 g. a golf course;
6 h. an area of a municipal or county beach, not to exceed 15
7 percent of the total area of the beach, which is designated by the
8 municipality or county by ordinance or resolution as a smoking
9 area; and
10 i. any cigar bar or lounge previously registered with the local
11 board of health pursuant to subsection a. of this section that has, in
12 accordance with the requirements of this subsection, renewed that
13 registration following a period of lapse. A cigar bar or cigar lounge
14 registration which has lapsed may be renewed under this subsection
15 if: (1) no more than 10 years have elapsed since the date the
16 registration lapsed; (2) in the calendar year immediately preceding
17 the lapse, the cigar bar or lounge generated 15 percent or more of its
18 total annual gross income from the on-site sale of tobacco products
19 and the rental of on-site humidors; and (3) the cigar bar or lounge
20 has not expanded its size or changed its location since December
21 31, 2004. A registration renewed pursuant to this subsection shall
22 remain in effect for one year, and shall be renewable thereafter only
23 if it meets the requirements for renewal as set forth in this
24 subsection or subsection a. of this section.
25 (cf: P.L.2018, c.158, s.1)

26
27 2. This act shall take effect immediately.

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29

30 STATEMENT

31

32 This bill amends the “New Jersey Smoke-Free Air Act,”
33 P.L.2005, c.383 (C.26:3D-55 et seq.), to prohibit smoking in
34 casinos and casino simulcasting facilities. Current law prohibits
35 smoking in most indoor public places and workplaces, with certain
36 exceptions, including indoor public places and workplaces which
37 are within the perimeter of casinos and casino simulcasting
38 facilities and accessible to the public for wagering. This bill would
39 eliminate these exceptions from the smoking ban.

40 The National Institute for Occupational Safety and Health found
41 that casino workers are at greater risk for lung and heart disease
42 because of secondhand smoke, and a study in the Journal of
43 Occupational and Environmental Medicine found that the air in
44 casinos can have up to 50 times more cancer-causing particles than
45 the air on rush-hour highways.

46 This bill would protect all workers in New Jersey from the
47 hazards of second hand smoke by requiring that casinos and casino
48 simulcasting facilities be smoke-free workplaces.