

[First Reprint]

SENATE, No. 1493

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

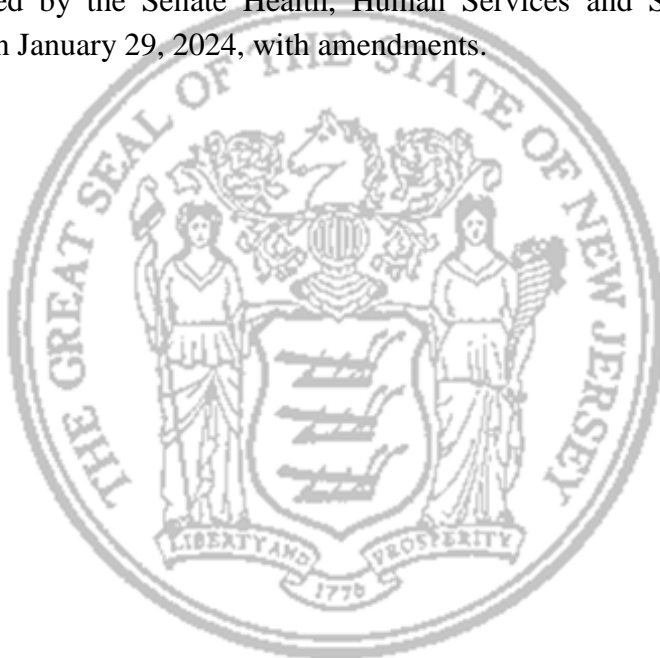
**Senators Diegnan, Ruiz, Polistina, Gopal, Bramnick, Cryan, Zwicker,
Lagana, Greenstein, A.M.Bucco, Pou, Stack, Beach, Burgess and Moriarty**

SYNOPSIS

Eliminates smoking ban exemption for casinos and simulcasting facilities.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens
Committee on January 29, 2024, with amendments.



(Sponsorship Updated As Of: 3/18/2024)

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,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted January 29, 2024.

1 in an indoor facility that is separately ventilated for the purpose of
2 medical or scientific research that is conducted under physician
3 supervision and has been approved by an Investigational Review
4 Board (IRB), if the facility is used solely and exclusively for
5 clinical research activities;

6 g. a golf course;

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

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

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

27

28 2. This act shall take effect ¹**[immediately]** on the 90th day
29 after the date of enactment¹.