

ASSEMBLY, No. 2897

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 14, 2010

Sponsored by:

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

7
8 1. Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to
9 read as follows:

10 5. The provisions of this act shall not apply to:

11 a. any cigar bar or cigar lounge that, in the calendar year
12 ending December 31, 2004, generated 15% or more of its total
13 annual gross income from the on-site sale of tobacco products and
14 the rental of on-site humidors, not including any sales from vending
15 machines, and is registered with the local board of health in the
16 municipality in which the bar or lounge is located. The registration
17 shall remain in effect for one year and shall be renewable only if:
18 (1) in the preceding calendar year, the cigar bar or lounge generated
19 15% or more if its total annual gross income from the on-site sale of
20 tobacco products and the rental of on-site humidors, and (2) the
21 cigar bar or cigar lounge has not expanded its size or changed its
22 location since December 31, 2004;

23 b. any tobacco retail establishment, or any area the tobacco
24 retail establishment provides for the purposes of smoking;

25 c. any tobacco business when the testing of a cigar or pipe
26 tobacco by heating, burning or smoking is a necessary and integral
27 part of the process of making, manufacturing, importing or
28 distributing cigars or pipe tobacco;

29 d. private homes, private residences and private automobiles;
30 and

31 e. the area within the perimeter of:

32 (1) any casino as defined in section 6 of P.L.1977, c.110
33 (C.5:12-6) approved by the Casino Control Commission that
34 contains at least 150 stand-alone slot machines, 10 table games, or
35 some combination thereof approved by the commission, which
36 machines and games are available to the public for wagering; **[and]**

37 (2) any casino simulcasting facility approved by the Casino
38 Control Commission pursuant to section 4 of P.L.1992, c.19
39 (C.5:12-194) that contains a simulcast counter and dedicated seating
40 for at least 50 simulcast patrons or a simulcast operation and at least
41 10 table games, which simulcast facilities and games are available
42 to the public for wagering;

43 (3) any racetrack, as defined in section 3 of P.L.2001, c.199
44 (C.5:5-129), in controlled specified areas for the purposes of a cigar

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 night or similar event wherein smoking shall be permitted
2 temporarily, not to exceed five times per year per racetrack; and
3 (4) any off-track wagering facility, as defined in section 3 of
4 P.L.2001, c.199 (C.5:5-129), in controlled specified areas for the
5 purposes of a cigar night or similar event wherein smoking shall be
6 permitted temporarily, not to exceed five times per year per off-
7 track wagering facility.
8 (cf: P.L.2005, c.383, s.5)

9

10 2. This act shall take effect immediately.

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STATEMENT

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