

ORDINANCE COMMITTEE
Meeting Minutes
Wednesday, November 2, 2022, 5:30 P.M.
Meeting Room 3, Lower Level
Bristol Public Library, 5 High St., Bristol, CT

ATTENDEES: Susan Tyler, Cheryl Thibeault, Jacqueline Olsen

ABSENT: - - -

STAFF PRESENT: Thomas Conlin, Assistant Corporation Counsel

COUNCIL MEMBER: ---

1. The Ordinance Committee was called to order at 5:30 p.m. by Chairwoman Tyler.

2. Approval of Minutes

a. October 4, 2022

Councilwoman Olsen made a motion to approve the minutes of October 4, 2022, seconded by Councilwoman Thibeault. All present voted in favor – Motion passed.

3. Public Participation

Laura Carter, resident of Bristol asked where the City stands on the air quality testing from Covanta. She also voiced some concerns that the noise ordinance may become less strict.

Jodie Bechard, 140 Woodland Street, stated that she had requested an update from DEEP on Covanta medical waste burning permit application.

4. Old Business

a. Peddler's license fees section

Councilwoman Tyler stated that she received a letter from Deputy Chief Morello with the Police Department's recommendations regarding the fees for a peddler's license. At last month's meeting, they had tabled this item so that the Committee could review the section in its entirety and make recommendations at this meeting. Unfortunately, she hasn't had time to review the entire section 17 this month and asked the Committee Members to wait another month to give them an opportunity to go over the entire section.

Councilwoman Thibeault made a motion to table this item to next months (December) meeting, seconded by Councilwoman Olsen. All present voted in favor – Motion passed.

b. Air quality issues

Councilwoman Tyler received an email from Mark Van Weelden, Regional Area Manager, Covanta with an update, a copy of which is attached to these minutes. Jodie Bechard has a DEEP update from Jaimeson Sinclair which she will get to Councilwoman Tyler for inclusion with the November minutes.

No action taken.

c. Cannabis usage restrictions in public areas

Councilwoman Thibeault read Ordinance Section 15-47 into the record related to the consumption of alcohol, a copy of which is attached. She would like to blend some of this language into the new ordinance regarding cannabis.

Attorney Conlin spoke about Senate Bill 1201, which has become Public Act No. 21-1 and that there is certain language in there that the Committee could utilize in preparing the new ordinance. (A copy of which is attached to these minutes.)

No action taken.

5. New Business

a. Review of Noise Ordinances – Section 15-16 et. seq.

Attorney Conlin stated that the Mayor received a complaint that the church bells and chimes are being an annoyance. He stated that church bells are exempt from our noise ordinance. The Committee suggested obtaining more information as to which church it is and if they are in fact too loud, maybe they could speak with the church.

No action taken.

6. Committee member comments

7. Adjournment

Councilwoman Thibeault made a motion to adjourn the meeting at 5:55 p.m. seconded by Jackie Olsen. Meeting adjourned.

Respectfully submitted,
Noelle Bates
Recording Secretary

Covanta Bristol Update

VanWeelden, Mark A <MVanWeelden@covanta.com>

Wed 11/2/2022 10:35 AM

To: Susan L. Tyler <susantyl@bristolct.gov>;

Councilwoman Tyler

I wanted to update you and the committee on our RMW (regulated medical waste) permit status as well as other activities that maybe of interest to the committee and the public:

- Our permit application is still under review by the CTDEEP solid waste and air departments. We are in the process of updating and finalizing our engineering plans for the AFS (Automatic Feed System) and will be submitting this by mid-December. This coupled with previous drawings and plans will complete our submission of required information to DEEP. Upon the final submission, we suspect a robust review by the departments at the DEEP to continue and follow up questions, meetings with DEEP to become more frequent in nature. I will update you when we submit our engineering plans in the near future.
- CEMS (Continuous Emissions Monitoring System) As you have seen in person, we have installed the replacement continuous emission monitoring system earlier this year. We are still committed to install equipment that will allow us to publish this data to the public each day for the prior 24 hours of monitoring. We were committed in doing so upon our next scheduled major outages in late February and March. However, ISO New England had denied our application to take any units off line during this period. This regulating agency is predicting peak power demand during this period and will not allow any scheduled outages as previously stated. Our next tentative date are late May into early June 2023. We will be doing this work as promised during this time.
- RATA (Relative Accuracy Test Audit) This a required independent contractor inspection supervised by the DEEP to test the accuracy of our emission monitoring to ensure accurate date and proper sensor(s) are in working order. This was completed this February 15 and 16th and will be completed again as required in Q1 of 2023.
- Annual stack testing is a required annual independent contractor supervised by the DEEP testing requirement. TRC Environmental, Windsor CT conducted stack testing on both units starting September 23 and ending late on the 30th of September. We have received a draft report dated October 30th indicating a successful test on both units showing our low emission levels as compared to regulatory maximum limits. A final report will be submitted to DEEP for review and I can submit a copy of such report to the committee upon request.

I appreciated the opportunity to provide some updates and apologize that I could not be present for the committee meeting. Please feel free to reach out to me directly with any questions prior to another anticipated update for your review.

Mark Van Weelden

Area Asset Manager - Massachusetts / Connecticut

Market Area Manager – Connecticut

978-701-4582



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Noelle Bates

From: Thomas conlin
Sent: Thursday, November 3, 2022 4:22 PM
To: Noelle Bates
Subject: FW: Covanta Permit Status Requested
Attachments: Outlook-lwlrgnqe.png

For inclusion with Nov. minutes.

From: Jodie Bechard [mailto:jbechard522@gmail.com]
Sent: Wednesday, November 2, 2022 5:56 PM
To: Jacqueline A. Olsen <jacquelineolsen@bristolct.gov>; Susan L. Tyler <susantylor@bristolct.gov>; Cheryl Thibeault <cherylthibeault@bristolct.gov>; Thomas conlin <ThomasConlin@bristolct.gov>
Subject: Covanta Permit Status Requested

Ordinance Committee and Attorney Conlin,

Please see the below update from DEEP in response to my request for an update. My question/s for ordinance is, do we know if the Title V air permit needs to be modified to burn the medical waste? Is there any notice from Covanta on public informational sessions? If I understand correctly, they have not satisfied this requirement.

Thank you,

Jodie Bechard-Marro

"The thing I realize is, that it's not what you take, it's what you leave."

Sinclair, Jaimeson <Jaimeson.Sinclair@ct.gov>

to Jacob, Paul, Gabrielle, contactus@bristolresidents.org, henri.martin@cga.ct.gov, effilcar@gmail.com

Greetings:

Covanta's proposal to burn untreated medical waste requires a number of permit transactions involving both the DEEP Bureau of Materials Management and the DEEP Bureau of Air Management.

Covanta submitted the required Materials Management permit application and it is currently under review. It is my understanding that Covanta cannot begin accepting and burning the untreated medical waste until this permit application is approved. Please contact Ms. Gabrielle Frigon, Assistant Director for Waste Engineering and Enforcement Division for more information on that permit transaction. She can be reached at gabrielle.frigon@ct.gov.

Covanta has yet to submit the necessary air permit applications and cannot proceed with burning the untreated hazardous medical waste until the applications have been submitted. The Department has requested that Covanta engage the community in a public informational process akin to that required under Connecticut General Statutes section 22a-20a prior to submitting the air permit applications. It is my

understanding that Covanta is working with the Town and concerned citizens to execute that public informational process.

Sincerely,

Jaimeson Sinclair

Division Director

Engineering Division

Bureau of Air Management

Connecticut Department of Energy and Environmental Protection

79 Elm Street, Hartford, CT 06106-5127

P: 860.424.4152 | E: Jaimeson.sinclair@gmail.com



www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable, reliable, and sustainable energy supply.

Sec. 15-47. Prohibited acts.

Except as permitted in the following section, no person shall consume any alcoholic liquor, or possess any open container of alcoholic liquor, upon or within the limits of any public highway, public area, or public parking area within the City of Bristol. For the purposes of this article, without limiting the general applicability of this section, the consumption of alcoholic liquor or the possession of an open container of alcoholic liquor or the possession of an open container of alcoholic liquor in a parked vehicle within or upon a public parking area or a public highway or sidewalk is a violation of this article.

(Ord. of 4-12-05)

Sec. 15-48. Exception.

Consumption of alcoholic liquor and possession of an open container of alcoholic liquor by a person who has attained the age of twenty-one (21) years is permitted during any function, festival, event, or celebration conducted on or within a public highway, public area, or parking area pursuant to any law, statute, ordinance, resolution or permit authorizing the sale and consumption of liquor in or upon such public highway, public area or parking area.

(Ord. of 4-12-05)

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establishments. The ballot label designations in a vote upon the question of cannabis establishment license shall be "Shall the sale of recreational marijuana be allowed in (Name of municipality)?" or "Shall the sale of cannabis under (Specified license or Licenses) be allowed in (Name of municipality)?" or "Shall the sale of recreational marijuana be prohibited (No Licenses) in (Name of municipality)?" and shall be provided in accordance with the provisions of section 9-250 of the general statutes. No elector shall vote for more than one designation. Such vote shall be taken in the manner prescribed in section 9-369 of the general statutes and shall become effective on the first Monday of the month next succeeding such election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 of the general statutes and provided at least one year shall have elapsed since the previous vote was taken. The provisions of chapter 145 of the general statutes concerning absentee voting at referenda shall apply to all votes taken upon the question of cannabis establishment license. Any class of cannabis establishments already allowed in a municipality shall not be affected by any vote.

(b) No municipality shall prohibit delivery of cannabis to a consumer, qualifying patient or caregiver when the delivery is made by a retailer, hybrid retailer, dispensary facility, delivery service, micro-cultivator or other person authorized to make such delivery pursuant to RERACA. No municipality shall prohibit the transport of cannabis to, from or through such municipality by any person licensed or registered pursuant to RERACA to transport cannabis.

(c) No municipality or local official shall condition any official action, or accept any donation in moneys or in kind, from any cannabis establishment or from an individual or corporation that has applied for a license to open or operate a cannabis establishment in such municipality. No municipality shall negotiate or enter into a local host

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agreement with a cannabis establishment or a person that has applied for a license to open or operate a cannabis establishment in such municipality.

(d) For up to thirty days after the opening of a retailer or hybrid retailer, a municipality may charge such retailer or hybrid retailer for any necessary and reasonable costs incurred by the municipality for provision of public safety services in relation to such opening, including, but not limited to, public safety costs incurred to direct traffic, not to exceed fifty thousand dollars.

Sec. 84. Subparagraph (H) of subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(H) (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music;

(ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity;

(iii) Regulate auctions and garage and tag sales;

(iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes;

(v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality;

(vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of

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mechanical rides and the establishment of the hours of operation;

(vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

(ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes;

(x) Control insect pests or plant diseases in any manner deemed appropriate;

(xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;

(xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

(xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

(xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to

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a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment;

(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight and require such municipality to give written notice of any violation to the owner and occupant of the property and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c;

✓ (xvi) Regulate, on any property owned by or under the control of the ✓
municipality, any activity deemed to be deleterious to public health,
including the [lighting or carrying] burning of a lighted cigarette, cigar,
pipe or similar device, whether containing, wholly or in part, tobacco or
+ cannabis, as defined in section 1 of this act, and the use or consumption
of cannabis, including, but not limited to, electronic cannabis delivery
systems, as defined in section 19a-342a, or vapor products, as defined in
said section, containing cannabis. If the municipality's population is ✓
greater than fifty thousand, such regulations shall designate a place in
the municipality in which public consumption of cannabis is permitted.

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Such regulations may prohibit the smoking of cannabis and the use of electronic cannabis delivery systems and vapor products containing cannabis in the outdoor sections of a restaurant. Such regulations may prescribe penalties for the violation of such regulations, provided such fine does not exceed fifty dollars for a violation of such regulations regarding consumption by an individual or a fine in excess of one thousand dollars to any business for a violation of such regulations;

✓ outdoor restaurants.
\$ 50 person
1,000 per business.

Sec. 85. Section 54-56n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) The Judicial Branch shall collect data on the number of members of the armed forces, veterans and nonveterans who, on and after January 1, 2016, apply for and are granted admission or are denied entry into (1) the pretrial program for accelerated rehabilitation established pursuant to section 54-56e, (2) the supervised diversionary program established pursuant to section 54-56l, [or] (3) the pretrial drug education and community service program established pursuant to section 54-56i, (4) the pretrial drug intervention and community service program established under section 166 of this act, and (5) the pretrial impaired driving intervention program established under section 167 of this act. Data compiled pursuant to this section shall be based on information provided by applicants at the time of application to any such program. For the purposes of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces and "armed forces" has the same meaning as provided in section 27-103.

(b) Not later than January 15, 2017, and annually thereafter, the Judicial Branch shall submit a report detailing the data compiled for the previous calendar year pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to veterans' and military affairs and the judiciary, in accordance with the provisions of section 11-4a.

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✓ DISTANCES: PUBLIC PLACES
✓ VAPE LEGISLATION is 19a-342g

Sec. 86. Section 19a-342 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) As used in this section: [, "smoke"]

(1) "Smoke" or "smoking" means the [lighting or carrying] burning of a lighted cigarette, cigar, pipe or any other similar device, [.] whether containing, wholly or in part, tobacco, cannabis, or hemp;

(2) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment;

(3) "Cannabis" means marijuana, as defined in section 21a-240; and

(4) "Hemp" has the same meaning as provided in section 22-61l.

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any area of a building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail [food store] establishment accessed by the general public; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a school building or on the grounds of such school; (G) within a child care facility or on the

✓ bus shelter?

✓ market, etc
restaurant

Bar

✓ breweries, wineries etc

Schools +
School grounds

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grounds of such child care facility, except, if the child care facility is a family child care home, as defined in section 19a-77, such smoking is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; [provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law;] (I) in any area of a dormitory in any public or private institution of higher education; [or (J) on and after April 1, 2004,] (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; or (L) in any area of a correctional facility or halfway house. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a.

(2) [This section] Subdivision (1) of this subsection shall not apply to [(A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public] the following: (A) Public housing projects, as defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom where demonstration smoking is taking place as part of a medical or scientific experiment or lesson; [(E) smoking rooms provided by employers for employees, pursuant to section 31-40q; (F)] (C) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary

✓
75% set aside as
"nonsmoking"

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seating area established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subparagraph; ~~[(G)]~~ (D) any medical research site where smoking is integral to the research being conducted; or ~~[(H)]~~ (E) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, [and] "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, except "tobacco product" does not include cannabis.

[(c)] The operator of a hotel, motel or similar lodging may allow guests to smoke in not more than twenty-five per cent of the rooms offered as accommodations to guests.]

[(d)] (c) In each room, elevator, area or building in which smoking is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that smoking is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

[(e)] (d) Any person found guilty of smoking in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. ✓
Nothing in this section shall be construed to require the person in

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control of a building to post such signs in every room of [a] the building, provided such signs are posted in a conspicuous place in [such] the building.

[(f)] (e) Nothing in this section shall be construed to require any smoking area [in] inside or outside any building or the entryway to any building or on any property.

[(g)] (f) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to smoking effective prior to, on or after October 1, 1993. *

Sec. 87. Section 19a-342a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

VAPE
SECTION

(a) As used in this section: [and section 2 of public act 15-206:]

(1) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment;

[(1)] (2) "Child care facility" means a provider of child care services as defined in section 19a-77, or a person or entity required to be licensed under section 17a-145;

[(2)] (3) "Electronic nicotine delivery system" [has the same meaning as provided in section 21a-415;] means an electronic device used in the delivery of nicotine to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid or synthetic nicotine. "Electronic nicotine delivery system" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a

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patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed healthcare provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(4) "Electronic cigarette liquid" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(5) "Electronic cannabis delivery system" means an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. "Electronic cannabis delivery system" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR

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600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(6) "Cannabis" means marijuana, as defined in section 21a-240;

~~[(3)]~~ (7) "Liquid nicotine container" means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer; and

~~[(4)]~~ (8) "Vapor product" [has the same meaning as provided in section 21a-415] means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as defined in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration.

(b) (1) No person shall use an electronic nicotine or cannabis delivery system or vapor product: (A) In any area of a building or portion of a building owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail [food store] establishment accessed by the public; (D) in any

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restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a school building or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home as defined in section 19a-77, such use is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; [provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that such use is prohibited by state law;] (I) in any area of a dormitory in any public or private institution of higher education; [or] (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; or (L) in any area of a correctional facility, halfway house or residential facility funded by the Judicial Branch. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, and "school" has the same meaning as provided in section 10-154a.

(2) [This section] Subdivision (1) of this subsection shall not apply to [(A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public] the following: (A) Public housing projects, as defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom where a demonstration of the use of an electronic nicotine or cannabis delivery system or vapor product is taking place as part of a medical or scientific experiment or lesson; [(E)] (C) any medical research site where

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the use of an electronic nicotine or cannabis delivery system or vapor product is integral to the research being conducted; [(F)] (D) establishments without a permit for the sale of alcoholic liquor that sell electronic nicotine delivery systems, vapor products or liquid nicotine containers on-site and allow their customers to use such systems, products or containers on-site; [(G) smoking rooms provided by employers for employees, pursuant to section 31-40q; (H)] (E) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the prohibition on the use of an electronic nicotine or cannabis delivery system or vapor product or the signage requirements of this subparagraph; or [(I)] (F) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of October 1, 2015. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2015, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, [and] "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, except that "tobacco product" does not include cannabis.

[(c) The operator of a hotel, motel or similar lodging may allow guests to use an electronic nicotine delivery system or vapor product in not more than twenty-five per cent of the rooms offered as accommodations

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to guests.]

[(d)] (c) In each room, elevator, area or building in which the use of an electronic nicotine or cannabis delivery system or vapor product is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that such use is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

[(e)] (d) Any person found guilty of using an electronic nicotine or cannabis delivery system or vapor product in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this section shall be construed to require the person in control of a building to post such signs in every room of the building, provided such signs are posted in a conspicuous place in the building.

[(f)] (e) Nothing in this section shall be construed to require the designation of any area for the use of electronic nicotine or cannabis delivery system or vapor product [in] inside or outside any building or the entryway to any building or on any property.

[(g)] (f) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to the use of an electronic nicotine delivery system or vapor product effective prior to, on or after October 1, 2015. X

Sec. 88. Section 31-40q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in this section:

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(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons; [.]

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof; [.]

(3) "Employee" means any person engaged in service to an employer in the business of his employer; [.]

(4) "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. The term "business facility" does not include: (A) Facilities listed in [subparagraph (A), (C) or (H) of] subdivision (2) of subsection (b) of section 19a-342 or subdivision (2) of subsection (b) of section 19a-342a; (B) any establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued on or before May 1, 2003; (C) for any business that is engaged in the testing or development of tobacco, [or] tobacco products or cannabis, the areas of such business designated for such testing or development; or (D) during the period from October 1, 2003, to April 1, 2004, establishments with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; [.]

(5) ["Smoking"] "Smoke" or "smoking" means the burning of a lighted cigar, cigarette, pipe or any other [matter or substance which contains tobacco.] similar device, whether containing, wholly or in part, tobacco, cannabis or hemp;

(6) "Cannabis" means marijuana, as defined in section 21a-240;

(7) "Electronic nicotine delivery system" has the same meaning as provided in section 19a-342a;

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(8) "Electronic cannabis delivery system" has the same meaning as provided in section 19a-342a;

(9) "Vapor product" has the same meaning as provided in section 19a-342a;

(10) "Any area" has the same meaning as provided in section 19a-342a; and

(11) "Hemp" has the same meaning as provided in section 22-61l.

[(b) Each employer with fewer than five employees in a business facility shall establish one or more work areas, sufficient to accommodate nonsmokers who request to utilize such an area, within each business facility under his control, where smoking is prohibited. The employer shall clearly designate the existence and boundaries of each nonsmoking area by posting signs which can be readily seen by employees and visitors. In the areas within the business facility where smoking is permitted, existing physical barriers and ventilation systems shall be used to the extent practicable to minimize the effect of smoking in adjacent nonsmoking areas.]

[(c) (1)] (b) Each employer [with five or more employees] shall prohibit smoking [in] and the use of electronic nicotine and cannabis delivery systems and vapor products in any area of any business facility under said employer's control. [except that an employer may designate one or more smoking rooms.]

[(2) Each employer that provides a smoking room pursuant to this subsection shall provide sufficient nonsmoking break rooms for nonsmoking employees.

(3) Each smoking room designated by an employer pursuant to this subsection shall meet the following requirements: (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust

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fan, and no air from such room shall be recirculated to other parts of the building; (B) the employer shall comply with any ventilation standard adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii) the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970, as from time to time amended, or (iii) the federal Environmental Protection Agency; (C) such room shall be located in a nonwork area, where no employee, as part of his or her work responsibilities, is required to enter, except such work responsibilities shall not include any custodial or maintenance work carried out in the smoking room when it is unoccupied; and (D) such room shall be for the use of employees only.]

[(d)] (c) Nothing in this section may be construed to prohibit an employer from designating an entire business facility and the real property on which the business facility is located as a nonsmoking area.

Sec. 89. (NEW) (*Effective July 1, 2022*) (a) As used in this section, "cannabis" has the same meaning as provided in section 1 of this act and "electronic cannabis delivery system" and "vapor product" have the same meanings as provided in section 19a-342a of the general statutes. No hotel, motel or similar lodging shall prohibit the legal possession or consumption of cannabis in any nonpublic area of such hotel, motel or similar lodging.

(b) Notwithstanding the provisions of subsection (a) of this section, a hotel, motel or similar lodging shall prohibit the smoking of cannabis and the use of an electronic cannabis delivery system or a vapor product containing cannabis in any location of such hotel, motel or similar lodging.

Sec. 90. (NEW) (*Effective July 1, 2022*) (a) As used in this section, "tenant", "landlord" and dwelling unit" have the same meanings as provided in section 47a-1 of the general statutes. Except as provided in this section, a landlord or property manager may not refuse to rent to a

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prospective tenant or an existing tenant, or otherwise discriminate against a prospective tenant or an existing tenant, based on a past conviction for possession of a cannabis-type substance under section 21a-279a of the general statutes, or for a past conviction for possession of four or fewer ounces of cannabis plant material, and any equivalencies and combinations thereof, pursuant to subsection (i) of section 21a-279a of the general statutes in any other jurisdiction.

(b) Except as provided in this section, in the case of the rental of a dwelling unit, a landlord or property manager may not prohibit the possession of cannabis or the consumption of cannabis, except a landlord or property manager may prohibit smoking of cannabis or use of an electronic cannabis device or cannabis vapor product, as such terms are defined in section 19a-342a of the general statutes.

(c) A landlord or property manager may not require a tenant to submit to a drug test.

(d) The provisions of this section do not apply if:

- (1) The tenant is a roomer who is not leasing the entire residence;
- (2) the residence is incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;
- (3) The residence is a transitional housing or sober living facility; or
- (4) Failing to prohibit cannabis possession or consumption or failure to require a drug test would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Sec. 91. (NEW) (*Effective July 1, 2022*) The use of cannabis shall be prohibited on any state lands or waters managed by the Department of Energy and Environmental Protection. Any person who violates such