

1 AN ACT relating to cigar bars.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Cigar bar" means an establishment that:

- 7 1. Holds a valid quota retail drink license, as defined in KRS Chapter
8 243, for the on-premises consumption of alcoholic beverages unless a
9 local government passes an ordinance pursuant to subsection (4) of
10 this section;
11 2. Generates at least fifteen percent (15%) of its annual gross income
12 from the on-site sale of cigars, pipe tobacco, paraphernalia and
13 accessories related to the consumption of cigars and pipe tobacco, and
14 rental of humidors, or a combination thereof;
15 3. Does not knowingly sell products or services, or permit entrance to the
16 premises, to persons under twenty-one (21) years of age; and
17 4. Does not permit the use of electronic cigarettes or vapor products or
18 the smoking of products other than cigars and pipe tobacco inside
19 interior space of the cigar bar; and

20 (b) "Local government" means a city, county, urban-county government,
21 consolidated local government, charter county government, unified local
22 government, or special district.

23 (2) (a) The operation of cigar bars, and the smoking of cigars and pipe tobacco
24 within the interior or exterior space of a cigar bar, shall be authorized
25 within the Commonwealth in any area where other establishments that meet
26 the qualifications of paragraph (a)1. of subsection (1) of this section are
27 permitted to operate. The operation of a cigar bar is subject to other state

1 and local government laws not in conflict with this section, including but
2 not limited to any land use ordinances generally applicable to licensees
3 described in paragraph (a)1. of subsection (1) of this section unless a local
4 government passes an ordinance pursuant to subsection (4) of this section.

5 (b) A local government may enact an ordinance requiring a cigar bar to obtain
6 an annual permit from the local government for its operation. The
7 ordinance may require an inspection of facilities and other information and
8 documentation to ensure the applicant complies with the requirements of
9 this section. The amount of any permit fee:

- 10 1. Shall be reasonable and consistent with permit fees for other similar
11 businesses; and
12 2. Shall not exceed the costs of policing, regulating, and administering
13 the cigar bar pursuant to applicable law.

14 (3) (a) A cigar bar that shares a physical wall or common, enclosed air space with
15 any other structure shall implement measures or be constructed in a
16 manner to ensure that smoke from the cigar bar does not pass into the
17 interior or enclosed air spaces of those other structures.

18 (b) The owner of a cigar bar shall provide a smoke-free space for the delivery of
19 supplies, mail, and other items to the premises by persons other than
20 employees and patrons of the cigar bar. The provisions of this paragraph
21 shall not apply to any cigar bar in operation as of the effective date of this
22 Act.

23 (c) A cigar bar shall provide notice that an individual entering its premises will
24 be exposed to cigar and pipe tobacco smoke in the establishment and that
25 smoking or vaporizing of inhalants other than cigars or pipe tobacco is
26 prohibited. The notice shall be placed in a conspicuous place at each
27 entrance to the establishment where an entrant may be exposed to cigar or

- 1 pipe tobacco smoke.
- 2 (4) A local government may, by ordinance, allow a cigar bar to operate in its
- 3 jurisdiction without holding a valid quota retail drink license, as defined in KRS
- 4 Chapter 243 and as otherwise required in subparagraph (a)1. of subsection (1) of
- 5 this section. All other provisions of this section shall apply.