

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2015 REGULAR SESSION
Unofficial Document

Amend printed copy of HB 145

On page 1, after line 10 by inserting the following:

"(2) "Cigar bar" means an establishment, whether or not licensed to serve alcohol, that is open to the public and is designated for the smoking of premium handmade cigars, purchased on the premises or elsewhere;"; and

On page 1, line 11 by deleting "2" and inserting in lieu thereof "3"; and

On page 1, line 14 by deleting "3" and inserting in lieu thereof "4"; and

On page 1, line 17 by deleting "4" and inserting in lieu thereof "5"; and

On page 1, line 18 by deleting "private club," and

On page 1, line 20 by deleting "5" and inserting in lieu thereof "6"; and

On page 1, line 25 by deleting "6" and inserting in lieu thereof "7"; and

On page 1, line 27 by deleting "7" and inserting in lieu thereof "8"; and

On page 2, line 8 by deleting "8" and inserting in lieu thereof "9"; and

On page 2, line 19 by deleting "9" and inserting in lieu thereof "10"; and

On page 2, line 26 by deleting "10" and inserting in lieu thereof "11"; and

On page 3, line 7 by deleting "and"; and

On page 3, line 8 by deleting "11" and inserting in lieu thereof "12"; and

On page 3, line 13 by deleting the period and inserting in lieu thereof "; and"; and

Amendment No. HFA 7

Sponsor: Russell A. Meyer

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

LRC Drafter: Scott, Jonathan

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXXX

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On page 3, after line 13 by inserting the following:

"(13) 'Tobacconist' means a retail establishment that sells or is in the business of blending and selling tobacco products where the majority of the transactions of the establishment include tobacco, tobacco-related products, and accessories."; and

On page 5, line 2 after "**Act**" by inserting the following "**except as provided in subsection (5) or (6) of this section**"; and

On page 5 after line 10 by inserting the following:

"(5) After the effective date of this Act, a local government shall recognize all exemptions to the smoking ban established in Section 6 of this Act if a local smoking ban is adopted.

(6) A local government that repeals or otherwise replaces an existing smoking ban that contains restrictions on smoking that are more restrictive than Sections 1 to 6 of this Act after the effective date of this Act shall recognize all exemptions to the smoking ban established in Section 6 of this Act when implementing a new smoking ban or new local ordinance or regulation that prohibits smoking."; and

On page 8, line 11 by deleting the second occurrence of "**or**"; and

On page 8 line 13 by deleting the period and inserting in lieu thereof "**;**"; and

On page 8, after line 13 by inserting the following:

"(7) A private club; or

(8) Cigar bars and tobacconists that meet the following criteria:

(a) Within thirty (30) days of the effective date of this Act and by January 31 of each subsequent year the owner or operator of a cigar bar or tobacconist shall file an affidavit with the Department for Public Health stating that it complies with the requirements of this subsection;

(b) 1. For each calendar year after the first calendar year that the affidavit required under this subsection is filed the cigar bar shall generate ten percent (10%) or

- more of its total gross annual income from the on-site sale of cigars, accessories, and the rental of on-site humidors.
2. For each calendar year after the first calendar year that the affidavit required under this subsection is filed the tobacconist shall generate ten percent (10%) or more of its total gross annual income from the on-site sale of tobacco, tobacco-related products, and accessories;
- (c) The cigar bar or tobacconist is located on premises that are physically separated from any areas of the same or adjacent establishment where smoking is prohibited pursuant to Sections 1 to 6 of this Act. As used in this paragraph, "physically separated" means an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to the ceiling;
- (d) The cigar bar or tobacconist has installed on its premises an on-site humidor;
- (e) 1. The cigar bar prohibits entry to a person under the age of twenty-one (21) during the time that the cigar bar is open for business.
2. The tobacconist prohibits entry to a person under the age of eighteen (18) during the time that the tobacconist is open for business; and
- (f) The cigar bar or tobacconist is separately vented to prevent the recirculation of air from the area of the establishment where smoking is permitted under this section to any area of that establishment or the larger structure where smoking is prohibited."