

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 twenty-five percent (25%) of its annual gross  
12 income from the on-site sale of cigars, pipe tobacco, paraphernalia  
13 and accessories related to the consumption of cigars and pipe tobacco,  
14 and 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) 1. A person shall be permitted to operate a cigar bar within the  
24 Commonwealth in any area where other establishments that meet the  
25 qualifications of subsection (1)(a)1. of this section are permitted to  
26 operate. The smoking of cigars and pipe tobacco may occur within the  
27 interior or exterior space of a cigar bar operating within the

1 Commonwealth.

2 2. The operation of a cigar bar is subject to other state and local  
3 government laws not in conflict with this section, including but not  
4 limited to any land use ordinances generally applicable to licensees  
5 described in subsection (1)(a)1. of this section unless a local  
6 government passes an ordinance pursuant to subsection (4) of this  
7 section.

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

13 1. Shall be reasonable and consistent with permit fees for other similar  
14 businesses; and

15 2. Shall not exceed the costs of policing, regulating, and administering  
16 the cigar bar pursuant to applicable law.

17 (3) (a) A cigar bar that shares a physical wall or common, enclosed air space with  
18 any other structure shall implement measures or be constructed in a  
19 manner to ensure that smoke from the cigar bar does not pass into the  
20 interior or enclosed air spaces of those other structures. This paragraph  
21 shall not apply to any cigar bar in operation as of the effective date of this  
22 Act.

23 (b) The owner of a cigar bar shall provide a smoke-free space for the delivery of  
24 supplies, mail, and other items to the premises by persons other than  
25 employees and patrons of the cigar bar. This paragraph shall not apply to  
26 any cigar bar in operation as of the effective date of this Act.

27 (c) A cigar bar shall provide notice that an individual entering its premises will

1           be exposed to cigar and pipe tobacco smoke in the establishment and that  
2           smoking or vaporizing of inhalants other than cigars or pipe tobacco is  
3           prohibited. The notice shall be placed in a conspicuous place at each  
4           entrance to the establishment where an entrant may be exposed to cigar or  
5           pipe tobacco smoke.

6   (4) A local government may, by ordinance, allow a cigar bar to operate in its  
7   jurisdiction without holding a valid quota retail drink license, as defined in KRS  
8   Chapter 243 and as otherwise required in subsection (1)(a)1. of this section. All  
9   other provisions of this section shall apply.