

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 90 TO ADD AN EXEMPTION FOR CIGAR BARS (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS PIAGENTINI AND FOX

WHEREAS, cigar smoking has a long history of cultural celebration, tradition and acknowledgement of personal freedoms;

WHEREAS, the popularity of cigars has developed a strong cigar lounge culture and are perceived as less harmful than other tobacco products, contain fewer product specific regulations, lower tax rates and higher social acceptability;

WHEREAS, cigar smoking has evolved into a social activity synonymous with horse racing and bourbonism;

WHEREAS, development of small business in a post COVID world is imperative to the economic engine that drives the city forward.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Louisville Metro Code of Ordinances (“LMCO”) Section 90.02 is hereby amended to add the following definition:

§ 90.02 DEFINITIONS

CIGAR BAR. A business operation that generates at least 51% of its revenue from cigars and cigar related products such as humidors, cigar cutters, cigar cases, lighters and ashtrays. Loose tobacco sales would be included in calculations. Items that do not qualify as cigar-related products include, but are not limited to, services, food, and alcohol.

SECTION II: LMCO Section 90.03(A) is hereby amended to add the following:

§ 90.03 PROHIBITION OF SMOKING IN PUBLIC BUILDINGS AND EXCEPTIONS.

(A)(5) Cigar Bars. Any cigar bar must be licensed with the Louisville Metro Health Department pursuant to LMCO §90.11 and be open to inspection at all times to be eligible

for this exception. The business must also provide the Health Department with all documentation and records necessary to demonstrate that it is in compliance with the requirements of this subsection and the definition of "cigar bar" to be eligible for this exception.

- a. Cigar bars eligible for this exception must also meet the following requirements:
 - i. Have a humidior on the premises;
 - ii. Prohibit anyone under the age of 21 on the premises;
 - iii. Be physically separated from any establishment that does not allow smoking or does allow anyone under the age of 21;
 - iv. Forbid the consumption of any beverage or food item not sold by the licensee;
 - v. Have proper ventilation and maintain high air quality standards to prevent the migration of smoke to an area where smoking is prohibited.
 - vi. Require all employees to read and sign a form approved and published by the Louisville Metro Department of Public Health and Wellness that explains the dangers of exposure to secondhand smoke.
 - vii. Ban all other forms of smoking and tobacco products, other than cigar and tobacco pipes, on the premises and post signs prohibiting the smoking of such tobacco products. These products include, but are not limited to, cigarettes, hookahs, and electronic smoking devices.
- b. In addition to any other penalties available at law, if the Department finds at any time that the business has failed to meet requirements for a cigar bar, the business shall lose its certification and ability to operate as a cigar bar. Any business that loses certification may not reapply for certification until twelve (12) months have elapsed.

SECTION III: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

BY: _____