



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Community Affairs, Housing, Health and Education Committee

Chair Barbara Shanklin (D-2)
Vice Chair Kevin Triplett (D-15)
Committee Member Jessica Green (D-1)
Committee Member Donna Purvis (D-5)
Committee Member Marilyn Parker (R-18)
Committee Member Stuart Benson (R-20)
Committee Member Brent Ackerson (D-26)

Wednesday, July 21, 2021

1:30 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Vice Chair Triplett called the meeting to order at 1:31 p.m.

Roll Call

Vice Chair Triplett introduced the committee and non-committee members present. A quorum was established.

Present: 5 - Committee Member Jessica Green (D-1), Committee Member Donna L. Purvis (D-5), Vice Chair Kevin Triplett (D-15), Committee Member Stuart Benson (R-20), and Committee Member Brent Ackerson (D-26)

Excused: 2 - Chair Barbara Shanklin (D-2), and Committee Member Marilyn Parker (R-18)

Non-Committee Member(s)

Council Member Jecorey Arthur (D-4), Council President David James (D-6), Council Member Cassie Chambers Armstrong (D-8), Council Member Mark Fox (D-13), Council Member Nicole George (D-21)

Support Staff

Natalie Johnson, Jefferson County Attorney's Office

Clerk(s)

Olivia Bennett, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

1. [O-302-21](#)

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

Sponsors: Primary Mark H. Fox (D-13) and Primary Anthony Piagentini (R-19)

Attachments: [O-302-21 V.2 CAM 072121 Amend LMCO Chp. 90 RE Cigar Bars.pdf](#)

[O-302-21 V.1 062421 Amend LMCO Chp. 90 RE Cigar Bars.pdf](#)

[Louisville Smokefree Law Council.pdf](#)

[Handout- Dr. John McConnell.pdf](#)

[Handout- Solania Mesfinn.pdf](#)

A motion was made by Committee Member Green, seconded by Committee Member Purvis, that this Ordinance be recommended for approval.

Dr. Sarah Moyer, Louisville Metro Public Health and Wellness, gave a presentation (attached).

The following also spoke to this item:

- Council Member Fox
- Council Member Piagentini
- Committee Member Purvis
- Committee Member Green
- Council President James
- Sandy Tucker, Oxmoor Smokeshop
- J Paul Tucker, Oxmoor Smokeshop
- Dr. John McConnell, public
- Council Member Chambers Armstrong
- Solania Mesfin, Office for Safe and Healthy Neighborhoods Implementation Team
- Dr. Paul Kiser, Department of Biology, Bellarmine University
- Council Member Arthur
- Rebecca Hollenbach, Center for Health Equity, Louisville Metro Public Health and Wellness

The following was discussed:

- Extensive research that cigars are just as harmful if not more than other tobacco products
- Fully comprehensive smoke free laws allow residents to retain the right to purchase and smoke tobacco products on their own, but protect the health of other residents whom do not want to be exposed to smoke in indoor places
- Exemptions that are currently in the law
- Possibility of legal challenges for businesses such as the smoking retailers, that expose residence to harmful indoor smoke
- Challenges and health effects of indoor smoking
- Amendment will be offered that will require purveyors/ employees of the establishment to sign a document approved by the Health department that

- states second hand smoke is hazardous to the employees health
- Not much data provided that proves a health inspector coming into the establishment periodically throughout the year has an increased risk of health concerns
- Kentucky's tourism is based around the horse industry as well as the bourbon industry, cigars go in line with both and health risks are sited with both
- \$17.96 billion industry as of 2020
- Asked for clarification on the prohibitions and exceptions of smoking in public buildings, per the Ordinance
- Whether the jurisdictions that have been able to implement and maintain the facilities have an active effective smoking ban such as Jefferson County
- Normal inspections are twice yearly but inspectors do follow up on all complaints made against the property
- Discussion of a living wage/ minimum wage in cigar bars and other businesses in Louisville
- Clarified that the language regarding the ventilation system is already included in the existing Ordinance, and the amendment is to guarantee that a disclosure to all employees that are exposed to second hand smoke are aware of the health risks while employed with the establishment
- The only way to ensure there is healthy air standards is if there no smoke in the building
- Healthcare costs in Kentucky related to smoking is \$1.92 billion
- Cost the average tax payer \$839.00 per household in smoking cost for federal and state expenditures
- Only premium cigars will be sold and consumed at the establishment, they do not include any chemicals or preservatives
- The cost of installation of an air purification system range in cost from \$300,000.00- \$500,000.00
- The U.S. Food and Drug Administration issued the statement that the Cigar industry is their lowest level of enforcement
- Concerns about the message to youth that Louisville's tourism is based on horse racing, bourbon and cigars, whom otherwise might not be predisposed to try gambling, alcohol and tobacco smoking
- Concerns that flavored cigars are a gateway to tobacco products
- Whether there are others besides the employer, the employees and the health inspector would be obligated to go into the establishment and be exposed to smoke
- Studies regarding the possible increase in risk for smoking and related diseases
- Correlation between premium cigars and cigarette smoking

A motion was made by Committee Member Green, seconded by Committee Member Benson, that this Ordinance be amended as shown in attached document titled "O-302-21 V.2 CAM 072121 Amend LMCO Chp. 90 RE Cigar Bars.pdf."

The motion to amend carried by a voice vote.

The motion to recommend for approval failed by the following vote and the Ordinance was sent to Old Business.

Yes: 2 - Green, and Ackerson

No: 2 - Purvis, and Triplett

Excused: 2 - Shanklin, and Parker

Abstain: 1 - Benson

Adjournment

Without objection, Vice Chair Triplett adjourned the meeting at 2:41 p.m.

*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on July 29, 2021.