

ORDINANCE NO. \_\_\_\_\_, SERIES 2021

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 90 TO ADD AN EXEMPTION FOR CIGAR BARS (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCILMEMBERS PIAGNETINI 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”) Chapter 90 is hereby amended as follows:

**§ 90.02 DEFINITIONS**

**CIGAR BAR.** A business operation that generates at least 51% of its revenue from premium 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.

**PREMIUM CIGAR.** To qualify as a premium cigar, a cigar must meet the following criteria:

1. Is wrapped in whole tobacco leaf;
2. Contains a 100% leaf tobacco binder;

3. Contains at least 50% (of the filler by weight) long filler tobacco (i.e., whole tobacco leaves that run the length of the cigar);

4. Is handmade or hand rolled (i.e., no machinery was used apart from simple tools, such as scissors to cut the tobacco prior to rolling);

5. Has no filter, nontobacco tip, or nontobacco mouthpiece;

6. Does not have a characterizing flavor other than tobacco;

7. Contains only tobacco, water, and vegetable gum with no other ingredients or additives; and

8. Weighs more than six (6) pounds per 1,000 units.

### **§ 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 humidor 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~~ Be (1) a free standing building unattached to any other structure not part of the cigar bar; or (2) a space with a floor and a ceiling that may share common solid wall(s) with other establishment(s), smoking or non-smoking, and that is independently externally ventilated to prevent air from the permitted smoking areas from drifting or being vented into smoke-free areas;

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. ~~vi.~~ vi. Ban all other forms of smoking and tobacco products, other than premium cigars 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 II:** This Ordinance shall take effect upon its passage and approval.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

O-302-21 Cigar Bars NJ 8-10-21