



SENATE BILL 527: ABC Omnibus 2023-24, Sec. 36: Cigar Bar Amendments

2023-2024 General Assembly

Committee:		Date:	August 28, 2024
Introduced by:		Prepared by:	Chris Saunders Staff Attorney
Analysis of:	Sec. 36 of S.L. 2024-41		

OVERVIEW: Section 36 of S.L. 2024-41 clarifies that the ABC Commission cannot consider whether a cigar bar may allow smoking indoors in deciding whether to issue an ABC permit to the cigar bar. Additionally, this section revises where cigar bars can be located as follows:

- A cigar bar that serves prepared food must be in a freestanding structure occupied solely by the cigar bar and smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited.
- A cigar bar that does not serve prepared food is not required to be in a freestanding structure occupied solely by the cigar bar, provided smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited, whether or not located in the same structure.

This section became effective July 8, 2024.

CURRENT LAW: Under the public health statutes, a "cigar bar" is an establishment with an on-premises malt beverage, on-premises unfortified wine, on-premises fortified wine, or a mixed beverages permit that:

- Generates sixty percent (60%) or more of its quarterly gross revenue from the sale of alcoholic beverages and twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars.
- Has a humididor on the premises.
- Does not allow individuals under the age of 21 to enter the premises.

Smoking is allowed in enclosed areas of cigar bars if smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited pursuant to this Article. Under prior existing law a cigar bar that began operation after July 1, 2009, can allow smoking only if it is located in a freestanding structure occupied solely by the cigar bar and smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited.

BILL ANALYSIS: Section 36 of S.L. 2024-41 clarifies that the ABC Commission cannot consider whether a cigar bar may allow smoking indoors in deciding whether to issue an ABC permit to the cigar bar. Additionally, this section revises where cigar bars can be located as follows:

- A cigar bar that serves prepared food must be in a freestanding structure occupied solely by the cigar bar and smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited.

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- A cigar bar that does not serve prepared food is not required to be in a freestanding structure occupied solely by the cigar bar, provided smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited, whether or not located in the same structure.

EFFECTIVE DATE: This section became effective July 8, 2024.