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# OHIO LEGISLATIVE SERVICE COMMISSION

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and Drafting

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H.B. 530  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Dell'Aquila and Mathews

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### SUMMARY

- Exempts certain cigar bars from the Smoke-Free Workplace Law with regard to cigar smoke only.
- Limits the exemption to establishments that derive more than 15% of their revenue from cigar or cigar-related products and that are located in a freestanding structure where smoke cannot migrate into an enclosed area where smoking is prohibited.
- Requires cigar bars utilizing the exemption to annually file a report with the Department of Health, verifying that they qualify for the exemption.

### DETAILED ANALYSIS

#### Overview

Under continuing law, smoking is generally prohibited in public places and places of employment. The bill partially exempts cigar bars from this prohibition.<sup>1</sup> The bill defines “cigar bar” as an establishment that meets both of the following:

- The establishment derives more than 15% of its gross revenue from the sale of cigar products, accessories, and fixtures, including the renting of humidors to customers;
- The establishment is located in a freestanding structure, occupied solely by the establishment, where smoke from the establishment cannot migrate into an enclosed area where smoking is prohibited under the Ohio Smoke-Free Workplace Law.

An establishment that has been issued a liquor permit may be considered a cigar bar, so long as the establishment otherwise meets the definition of a cigar bar and complies with all

<sup>1</sup> R.C. 3794.03(J)(1).

requirements associated with the exemption.<sup>2</sup> A “cigar” is defined as a cylinder of tobacco rolled in tobacco leaves for smoking.<sup>3</sup>

The exemption only applies with regard to the smoking of cigars. All other forms of smoking in cigar bars are prohibited under the bill. Cigar bars that seek to utilize the exemption are required to file with the Department of Health, no later than the 31<sup>st</sup> day of January each year, an affidavit stating the percentage of the bar’s gross income during the prior calendar year that was derived from the sale of cigars, cigar accessories, and fixtures.<sup>4</sup>

## Penalties

Under continuing law, upon a finding by the Department of Health that an individual or proprietor has violated any provision of the Smoke-Free Workplace Law, the Department is required to issue a warning letter to the individual or proprietor. Upon a finding of a second or subsequent violation, the Department is required to issue a civil fine according to the following:

Violation #	Proprietor Violation	Individual Violation
2 <sup>nd</sup>	\$100	\$100
3 <sup>rd</sup>	\$500	\$100
4 <sup>th</sup>	\$1,000	\$100
5 <sup>th</sup> and subsequent	\$2,500	\$100

The Department also may sue repeat offenders seeking a court order requiring the offender to stop the offending behavior.<sup>5</sup>

## HISTORY

Action	Date
Introduced	05-15-24

ANHB0530IN-135/sb

<sup>2</sup> R.C. 3794.01(M).

<sup>3</sup> R.C. 3794.01(L).

<sup>4</sup> R.C. 3794.03(J).

<sup>5</sup> R.C. 3794.09; Ohio Administrative Code 3701-52-10(A).