



Representatives Richard Dell'Aquila

Sponsor Testimony: House Bill 530

House Civil Justice Committee

November 19th, 2024

Chair Hillyer, Vice Chair Matthews, Ranking Member Isaacsohn and Members of the House Civil Justice Committee, thank you for the opportunity to present HB530 today, a proposal which would add a new exemption for certain cigar bars, also selling beer and intoxicating liquor by the individual drink, from the prohibitions of O.R.C.§ 3794.01 (Ohio's Smoke-Free Workplace Law), with regard to cigar smoke only.

I also wish to thank my joint sponsor, Representative Adam Matthews, for all his work and collaboration in this bill.

Generally, the original HB530 limits the proposed exemption to establishments that derive more than 15% (possible amendment) of their gross revenue from cigar or cigar-related products, such as the sale of cigar products, accessories, and fixtures, including the renting of humidors to customers.

To qualify for this exemption, these establishments must be located in a freestanding structure, occupied solely by the establishment, where smoke cannot migrate into an enclosed area where smoking is otherwise prohibited under the Ohio Smoke-Free Workplace Law, a statute which is intended primarily to protect non-smokers.

HB530 further requires that cigar bars utilizing the exemption must annually file a report with the Ohio Department of Health, verifying that they continue to meet the requirements to qualify for the exemption.

The exemption only applies with regard to the smoking of cigars. In order to differentiate the type of smoking permitted, the bill defines a cigar as "a cylinder of tobacco rolled in tobacco

leaves for smoking." This definition excludes cigarettes or the smoking or vaping of other combustible products.

Therefore, 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 31st 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, and further establishes a penalty structure for violations.

This does not imply that cigar use has no associated health risks. For example, while recognizing that cigar smoking is not completely safe, the federal Food and Drug Administration has taken the position that cigar smoking carries many of the same health risks as cigarette smoking, albeit at a much lower risk level for moderate or low users.

Moreover, the size of this growing market can become a source of additional business and tax revenue. The global cigar bar market is around \$2.5 billion (in 2023), driven by a growing culture of cigar appreciation in a unique social experience. It is also important to recognize that cigars are a legal product for adult use that is not an intoxicant, such as cannabis, which has now become freely available in Ohio for legal adult use.

In closing, the intent of HB530 is to fulfill a wish on the part of many adults to gather with others of like-mind in establishments where alcohol is available for purchase and to share in the enjoyment of a cigar. It is well recognized that the smoking of cigars has a celebratory and collegial aspect and history not associated with other types of smoking, (e.g. the celebration of a wedding, or anniversary, or the birth of a child, even gatherings for sporting events, etc.). Public cigar bars can also become accessible and inclusive meeting sites, catering to a diverse range of patrons, where they can partake in a rich tradition, enjoy fine cigars, and engage in social interactions.

Thank you again for your consideration, and I would invite your questions.