

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 884*
Judiciary II Committee Substitute Adopted 5/11/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S884-PCS55487-RV-60

Short Title: Renunciation Amendments.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TERM 'CIGAR BAR' INCLUDES A 'HOOKAH BAR' FOR PURPOSES OF EXTENDING TO HOOKAH BARS AND NO OTHERS THE EXEMPTION OF CIGAR BARS FROM THE SMOKING PROHIBITIONS OF G.S. 130A-496(B)(2) AND G.S. 130A-498(B1)(6) IF THE HOOKAH BAR MEETS THE FOLLOWING FIVE REQUIREMENTS AND NO OTHERS: (1) THE HOOKAH BAR'S PRIMARY BUSINESS IS TO RENT TO PATRONS A HOOKAH PIPE THAT CONTAINS A SPECIFIED AMOUNT OF FLAVORED TOBACCO FOR THE PURPOSE OF SMOKING THE HOOKAH PIPE ON THE PREMISES, (2) FORTY PERCENT OF THE HOOKAH BAR'S QUARTERLY GROSS REVENUE IS GENERATED FROM HOOKAH PIPE RENTALS AND THE SALE OF FLAVORED TOBACCO, (3) THE HOOKAH BAR PROHIBITS INDIVIDUALS UNDER THE AGE OF EIGHTEEN FROM ENTERING THE HOOKAH BAR PREMISES AND DOES NOT ALLOW INDIVIDUALS UNDER THE AGE OF TWENTY-ONE TO ENTER THE PREMISES IF IT HAS A PERMIT TO SELL ALCOHOLIC BEVERAGES, (4) THE HOOKAH BAR PROHIBITS THE SMOKING OF CIGARETTES AND CIGARS ON THE HOOKAH BAR'S PREMISES, AND (5) THE HOOKAH BAR MEETS THE APPLICABLE REQUIREMENTS OF ARTICLE 23 OF CHAPTER 130A OF THE GENERAL STATUTES PERTAINING TO QUARTERLY REVENUE REPORTING AND VERIFICATION AND TO STRUCTURAL AND SMOKE MIGRATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 2, 2010, G.S. 130A-492(1a) reads as rewritten:

"(1a) "Cigar bar". – An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001 that satisfies all of the following: ~~following~~, except sub-subdivision d. of this subdivision:

- a. 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;
- b. Has a humidor on the premises; and
- c. Does not allow individuals under the age of 21 to enter the premises.



* S 8 8 4 - P C S 5 5 4 8 7 - R V - 6 0 *

1 Revenue generated from other tobacco sales, including cigarette vending
2 machines, shall not be used to determine whether an establishment satisfies
3 the definition of cigar bar.

4 d. The term cigar bar includes a hookah bar for the purposes of
5 exemptions from smoking prohibitions under G.S. 130A-496(b)(2)
6 and G.S. 130A-498(b1)(6) if the hookah bar satisfies all of the
7 following:

8 1. Is an establishment whose primary business is to rent to
9 patrons a hookah pipe that contains a specified amount of
10 flavored tobacco for the purpose of smoking the hookah pipe
11 on the premises.

12 2. Generates forty percent (40%) or more of its quarterly gross
13 revenue from hookah pipe rentals and the sale of flavored
14 tobacco and complies with reporting and verification
15 requirements pertaining to quarterly gross revenue.

16 3. Does not allow individuals under the age of 18 to enter the
17 premises. If the establishment has a permit to sell alcoholic
18 beverages, the establishment shall not allow individuals under
19 the age of 21 to enter the premises.

20 4. Prohibits the smoking of cigarettes and cigars on the hookah
21 bar's premises.

22 5. Complies with free-standing structure and smoke migration
23 requirements of G.S. 130A-496(b)(2)."

24 **SECTION 2.** This act is effective when it becomes law.