

CAA Wins Key Exemptions to State Smoking Bans

Hard hit tobaccoists were the biggest winners of industry efforts to roll back business-crushing laws. **>BY CRAIG WILLIAMSON**

It's not time for cigar advocates like us to pop the bubbly with our favorite smokes, but six months into the 2015 legislative session we're seeing some reasons to celebrate.

That's because the Cigar Association of America has had three major victories against smoking bans so far this year, and we're on track to a strong finish to the 2015 legislative season in the 50 states. As you can imagine, these types of bans would have been devastating to the cigar industry and business owners in those states.

"Small business owners run the risk of having their livelihood and often their entire life savings snuffed out if clean indoor air laws do not account for their unique and specialized businesses," said Chris Newbry, vice president of state

cigar bars and tobacco retail outlets.

This made a lot of cigar establishments breathe a sigh of relief—but not everyone fell under the umbrella of that exemption, such as Big John's Billiards. That's why Big John's fought back.

They claimed the legislation was unconstitutional, since the law prohibited smoking in some places but not others. Their goal was to get the entire legislation overturned—but it backfired. The Supreme Court agreed that exempting these establishments was unconstitutional. But instead of overturning the legislation, they just removed the exemption.

This shocking ruling would have impacted 11 cigar bars and numerous shops that sell tobacco products, whose completely legal businesses were suddenly in jeopardy.

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relations for CAA. "We are constantly on the lookout for harmful amendments to existing smoking bans as well as any new smoking ban proposals to ensure that the industry remains protected."

One of the most noteworthy victories came in Nebraska, where earlier this year the unicameral legislature passed a bill that exempts cigar bars and retail tobaccoists from a smoking ban on indoor public places.

To fully understand the impact of this bill, we have to take you back to 2008, when Nebraska passed the Clean Indoor Air Act, a law that made it illegal to smoke in enclosed indoor workspaces and indoor public places. The following year, a critical exemption was added to the law that allowed cigar smoking in

That's when the CAA stepped in. Immediately following the Supreme Court decision, CAA teamed up with the International Premium Cigar and Pipe Retailers Association (IPCPR) and introduced LB 118, a bill that would reinstate the exemption to the smoking ban that would allow cigar smoking in cigar bars and cigar retail establishments. We educated Nebraska Senators and their staff, coordinated grassroots activity, and counted votes to position the industry for a big win on this critical piece of legislation.

And in February, in a major victory for the entire tobacco industry, the Nebraska legislature voted 45-3 to approve LB 118 into law.

"This was one of the more satisfying wins that we have had this year," said

Newbry. "To get this bill passed, and to ensure that each of the affected retailers will be able to continue business as usual, was very important to us."

CAA also teamed up with IPCPR to combat a city-wide smoking ban in New Orleans, of all places. But once again, thanks to CAA and IPCPR's hard work, key amendments were added to the smoking ban to protect the cigar industry.

Specifically, we were able to exempt convention centers, hotels, and motels being used exclusively for private functions; retail tobaccoists; tobacco manufacturers and other related businesses; and cigar bars.

This brings me to our most recent victory in Indiana, where we were instrumental in adding a critical amendment to Indiana's version of the Clean Indoor Air Act.

In 2012, when the Clean Indoor Air Act was expanded to most public places and workplaces, the CAA was successful in getting a statewide exemption for cigar bars, retail tobaccoists, and tobacco manufacturers. That's the good news. The bad news is that we were not able to remove a provision in the bill that prevented the establishment of any new cigar bars after 2012.

Fortunately, we subscribe to the motto: If at first you don't succeed, try again. That's exactly what we did. And now, thanks to CAA lobbyists and a few key legislators who worked tirelessly to round up votes to amend SB 463, the final version removes the moratorium on the establishment of new cigar bars.

As always, we've won many battles, but as ever, the fight is never over. There has never been a more important time for our industry to be active in all 50 states and in the U.S. Congress, battling misinformation and spin from anti-tobacco forces and keeping cigars off the short list to solve every fiscal problem. We'll be here for every threatened cigar smoking ban, tax increase, flavoring restriction or adult age restriction that legislators throw at us. **S**

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