

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3341

By Delegates Maynor, Howell, Phillips, Lucas, Clark,
Linville, Bridges, Crouse, Householder, Gearheart,
and Willis

[Introduced February 08, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, as amended, by adding thereto a new section,
 2 designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in
 3 West Virginia resorts; and providing for guidelines for resort cigar bars and lounges.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-11. Cigar lounges permitted in resorts; definitions; guidelines.

1 (a) Definitions. – The following definitions apply for purposes of this section:

2 (1) "Cigar bar" or "cigar lounge" means an indoor area designated specifically for the
 3 smoking of tobacco products purchased on the premises or elsewhere.

4 (2) "Resort area" means an area that:

5 (A) Has a permanent population of less than 2,000 people, according to the most recent
 6 federal census;

7 (B) Derives the major portion of its economic well-being from businesses catering to the
 8 recreational and personal needs of persons traveling to or through the area;

9 (C) Contains one or more resort operators; and

10 (D) Does not include real property primarily used for manufacturing, milling, converting,
 11 producing, processing, or fabricating materials, generating electricity, or the extraction of process
 12 of minerals.

13 (b) Applicability – A cigar lounge may have emissions produced by smoking if the cigar
 14 lounge meets all of the following:

15 (1) Deemed a tourism "resort" as defined in subsection (a) of this section.

16 (2) Equipped with a ventilation system which is exhausted so that air from the smoking
 17 area is not recirculated or back streamed into an area accessible to the public, unless the air is
 18 filtered to remove toxins before it reenters the public area. An outside exhaust vent from the
 19 ventilation system must be as unobtrusive as possible.

20 (3) Not share indoor common space with another business unless the space for the cigar

21 lounge is all of the following:

22 (A) Enclosed by solid walls or windows, a ceiling, and a solid door that remain closed other
23 than for ingress and egress.

24 (B) Equipped with a ventilation system so that air from the smoking area is not recirculated
25 to the nonsmoking areas and smoke is not back streamed into the nonsmoking areas.

26 (4) A cigar lounge shall prohibit anyone under the age of 21 from entering and shall display
27 a sign at all entrances stating that no one under the age of 21 is allowed in the cigar lounge.

NOTE: The purpose of this bill is to permit cigar lounges in West Virginia resorts, and to provide for guidelines for resort cigar lounges to operate.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.