



1 (d) may not permit the smoking of any other tobacco, marijuana, or alternative nicotine or vapor  
2 products, as defined in 16-11-302, on the licensed premises;

3 (e) must post a notice of the prohibition against smoking products other than cigars;

4 (f) may not knowingly sell to or permit entrance to a person less than 21 years of age; and

5 (g) must be located in a freestanding structure occupied solely by the cigar bar, and smoke from a  
6 cigar may not migrate into an enclosed area where smoking is otherwise prohibited. If indoors, the  
7 establishment must have a public place that is enclosed by solid walls or windows, a ceiling, and a solid door  
8 and be equipped with a ventilation system as defined in this section.

9 (5) A licensee meeting the requirements of this section shall annually report to the department, on  
10 a form prescribed by the department, the revenue generated from the sale of cigars as a percentage of annual  
11 gross income and any other information considered necessary by the department for renewal of the cigar bar  
12 endorsement.

13 (6) For the purposes of this section, the following definitions apply:

14 (a) "Cigar" means a premium tobacco product that:

15 (i) is composed of only tobacco leaves, water, and an insignificant amount of vegetable-based  
16 adhesive;

17 (ii) is handmade and is not machine-made;

18 (iii) is wrapped in whole leaf tobacco;

19 (iv) contains a 100% leaf tobacco binder;

20 (v) is capped by hand;

21 (vi) does not have a filter, tip, or nontobacco mouthpiece;

22 (vii) has a characterizing flavor that is added through a natural process, such as mixing different  
23 types of tobacco leaves, soaking, or aromatic smoking, and is not flavored through a chemical process or other  
24 means; and

25 (viii) weighs at least 2.7 grams a cigar.

26 (b) "Enclosed public place" has the same meaning as provided in 50-40-103.

27 (c) "Humidor" means an enclosure affixed to the location that is large enough for an individual to  
28 stand and in which the humidity of the enclosure is controlled.

1 (d) "Ventilation system" means a dedicated system in which exhausted air is not recirculated to  
2 nonsmoking areas and smoke is not back streamed into nonsmoking areas.

3

4 **Section 2.** Section 50-40-103, MCA, is amended to read:

5 **"50-40-103. Definitions.** As used in this part, the following definitions apply:

6 (1) (a) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is  
7 devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the  
8 serving of food is only incidental to the service of alcoholic beverages or gambling operations. The term  
9 includes but is not limited to taverns, night clubs, cocktail lounges, and casinos.

10 (b) The term does not include a cigar bar.

11 (2) "Cigar bar" means an establishment with a license issued pursuant to Title 16, chapter 4, part  
12 2, that holds a cigar bar endorsement under [section 1] that permits the smoking of cigars in an enclosed public  
13 place.

14 (3) "Department" means the department of public health and human services provided for in 2-15-  
15 2201.

16 (4) "Enclosed public place" means an indoor area, room, or vehicle that the general public is  
17 allowed to enter or that serves as a place of work, including but not limited to the following:

18 (a) restaurants;

19 (b) stores;

20 (c) public and private office buildings and offices, including all office buildings and offices of  
21 political subdivisions, as provided for in 50-40-201, and state government;

22 (d) trains, buses, and other forms of public transportation;

23 (e) health care facilities;

24 (f) auditoriums, arenas, and assembly facilities;

25 (g) meeting rooms open to the public;

26 (h) bars, but not including cigar bars as defined in subsection (2) of this section that meet the  
27 requirements of [section 1];

28 (i) community college facilities;

1 (j) facilities of the Montana university system; and

2 (k) public schools, as provided for in 20-1-220 and 50-40-104.

3 (5) "Establishment" means an enterprise under one roof that serves the public and for which a  
4 single person, agency, corporation, or legal entity is responsible.

5 (6) "Incidental to the service of alcoholic beverages or gambling operations" means that at least  
6 60% of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts,  
7 or both.

8 (7) "Person" means an individual, partnership, corporation, association, political subdivision, or  
9 other entity.

10 (8) "Place of work" means an enclosed room where one or more individuals work.

11 (9) "Smoking" or "to smoke" includes the act of lighting, smoking, or carrying a lighted cigar,  
12 cigarette, pipe, or any smokable product and includes the use of marijuana."

13

14 **Section 3.** Section 50-40-104, MCA, is amended to read:

15 **"50-40-104. Smoking in enclosed public places prohibited -- notice to public -- places where**  
16 **prohibition inapplicable.** (1) Except as otherwise provided in this section, smoking in an enclosed public place  
17 is prohibited.

18 (2) The proprietor or manager of an establishment containing enclosed public places shall post a  
19 sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily  
20 read and understood, that smoking in the enclosed public place is prohibited.

21 (3) The proprietor or manager of an intrastate bus that is not chartered shall prohibit smoking in all  
22 parts of the bus.

23 (4) The prohibition in subsection (1) does not apply to the following places, whether or not the  
24 public is allowed access to those places:

25 (a) a private residence unless it is used for any of the following purposes, in which case the  
26 prohibition in subsection (1) applies:

27 (i) a family day-care home or group day-care home, as defined in 52-2-703 and licensed pursuant  
28 to Title 52, chapter 2, part 7;

