



SPONSOR: Rep. Smyk & Sen. Wilson
Reps. Briggs King, Collins, Spiegelman

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 304

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CIGAR LOUNGES UNDER THE
CLEAN INDOOR AIR ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2902, Title 16 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows and by redesignating Delaware Code provisions accordingly:

§ 2902. Definitions.

The following words, ~~terms~~ terms, and phrases, when used in this chapter, ~~shall~~ have the meaning ascribed to them
in this section, except where the context clearly indicates a different meaning:

(4) "Cigar lounge" means an indoor area open to the public designated specifically for the smoking of tobacco
products purchased on the premises or elsewhere.

Section 2. Amend Chapter 29, Title 16 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 2909. Cigar Lounges.

(a) A cigar lounge may have emissions produced by smoking if the cigar lounge meets all of the following:

(1) Generates at least 50% of its revenue from the sale of cigars.

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

(3) Furniture and interior walls made with materials or treated to contain odor barriers and to limit staining
from smoke.

(4) Not share indoor common space with another business unless the space for the cigar lounge is all of the
following:

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

23 b. Equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the
24 establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not
25 backstreamed into the nonsmoking areas.

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

SYNOPSIS

This Act amends the Clean Indoor Air Act to allow cigar lounges. No one under the age of 21 years may enter a cigar lounge and a cigar lounge may not share indoor common space with other businesses unless there is a separate ventilation system that does not allow smoke from the cigar lounge to enter the nonsmoking spaces.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.