WISPOLITICS: Close but no cigar last session, cigar bar bill is back

By WisPolitics

Lawmakers are reigniting an effort this session at exempting cigar lounges from an early 2000s-era law banning smoking in most public places in the state.

But the proposal is again facing stiff opposition from health-related groups, despite changes meant to allay concerns it would weaken the state’s smoke-free air law and cause regulatory confusion. Meanwhile, the Wisconsin Restaurant Association has yet to take a stance on the latest measure.

Rep. [Nate Gustafson](https://pro.stateaffairs.com/wi/directory/legislator/393), R-Fox Crossing, introduced a [bill](https://docs.legis.wisconsin.gov/2023/proposals/reg/asm/bill/ab451) last session that would have exempted tobacco bars, also known as cigar lounges, from the ban. The proposal didn’t see a vote in either chamber.

The latest version, [SB 211](https://pro.stateaffairs.com/wi/bill/2024580), would also exempt tobacco bars from the ban, but only if they existed on or after June 4, 2009, only allow cigar and pipe smoking, and aren’t a retail food establishment.

Gustafson said the provision to prohibit retail food establishments from operating as cigar lounges was added in response to concerns from stakeholders.

“That came from the response of not only just constituents, but also from restaurants that said, ‘Hey, we don’t want those who are operating with restaurants to just, you know, decide turn of a key that they’re gonna also start being a cigar bar,’” Gustafson said. “And so I agreed with that, I think a lot of people would agree with that as well. So we made that change, and I think that change has actually brought more bipartisan support to this bill this session compared to last.”

The Wisconsin Restaurant Association opposed the bill last session. Executive Vice President Susan Quam told WisPolitics the group is “carefully monitoring and discussing the changes made by the author and no official decision has been made yet by our board of directors.”

Last session, WRA expressed concerns that the current threshold for what is considered a tobacco or cigar bar is too low. Under current law, a tobacco bar is defined as a tavern that earns 15% or more of its annual gross income from the sale on the premises — other than from a vending machine — of cigars and pipe tobacco.

“We also have concern that the bill does not clarify how enforcement agencies would access and determine whether that sales volume requirement is being met,” Quam said in written comments on the previous bill in 2023.

Smoking has been banned in most public places in Wisconsin since 2010 after former Dem Gov. Jim Doyle signed the prohibition into law. The ban includes an exemption for retail tobacco stores and tobacco bars in existence before June 3, 2009. According to CigarScore.com, a website that tracks cigar lounges across the country, at least 17 cigar lounges currently operate in Wisconsin.

While WRA has yet to take a position, a coalition of more than a dozen health groups sent a [letter](https://www.wispolitics.com/wp-content/uploads/2025/04/250414tobaccobillletter.pdf) on April 2 to lawmakers urging them to reject the bill.

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