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# New smoking ban unlikely to create more cigar bars

By [Larry Sandler](#) of the Journal Sentinel

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It was a narrow loophole, but some local tavern owners thought they could squeeze through it anyway.

When Wisconsin's new [smoking ban](#) takes effect in July 2010, indoor smoking will be allowed in only one kind of tavern - cigar bars.

And as soon as the Legislature approved that law, even before Gov. Jim Doyle had signed it, tavern owners started calling Milwaukee's License Division to find out what they needed to do to become cigar bars, city License Manager Rebecca Grill said.

But by then, it was probably already too late to start a cigar bar, and even some taverns that now call themselves cigar bars won't meet the law's standards. Only one Milwaukee tavern, and a handful in the suburbs, expect smoking to continue at their businesses once the law takes effect.

The law bans smoking in nearly all workplaces, including restaurants and most bars. Many tavern owners fought the ban, fearing they would lose business if patrons couldn't smoke.

Yet cigar and pipe smoking - but not cigarette smoking - can continue in tobacco shops and in any tavern that earns at least 15% of its annual gross revenue from the sale of cigars or pipe tobacco, provided the establishment is in existence the day after the law is published. Publication is planned for June 2, meaning cigar bars must be open by June 3 to take advantage of the exemption, said Stephen Miller, chief of the state's Legislative Reference Bureau.

That would be three weeks after the Assembly and Senate passed the law May 13. Doyle signed it May 18.

But in a practical sense, three weeks would not be long enough for anyone to invest the time and money needed to start a cigar bar, said Joette Barta, co-owner of Nice Ash, a 3-year-old cigar bar in downtown Waukesha.

Cigar sales account for 25% to 30% of Nice Ash's revenue, Barta said. To reach that point, however, Barta and her husband Jeff have built two walk-in humidors and purchased an inventory of cigars worth \$100,000. Just obtaining a cigar dealer's license took several months of work, she said.

"It's a huge financial investment," she said.

Waukesha Mayor Larry Nelson had cited the Bartas' investment in arguing for lawmakers to exempt cigar bars such as Nice Ash, 327 W. Main St.

In Milwaukee, the main beneficiary of the exemption is Shaker's Cigar Bar and World Café, 422 S. 2nd St. Owner Bob Weiss says he sees cigars as part of a total cultural experience, offering Caribbean food and drinks such as cognac, scotch and rum that go well with cigar smoking.

Cigarettes don't fit into that picture because their odor detracts from the enjoyment of food, Weiss said. "As a chef, I am not a fan of cigarette smoking at all. Cigars are a different animal."

The state's cigar bar definition doesn't fit Romans' Pub, a Bay View tavern that has advertised itself as a cigar bar for the past 13 years, owner Mike Romans said. With less than 5% of his revenue coming from cigar sales, "I'm not even close," he said.

In recent years, many customers have found it less expensive to buy cigars on the Internet and then bring them to smoke in the pub at 3475 S. Kinnickinnic Ave., Romans said. For others, "I kept the cigars mainly as a convenience," he said.

Romans doesn't expect to lose business because of the new law. He sees his 31-year-old bar's main draw as its selection of craft beers. And he plans to outfit his deck as an outdoor smoking area, as allowed by the law.

"I'm going to adjust," he said.

The law will have differing effects on the two Milwaukee County suburbs that have approved their own smoking bans.

Since July 1, 2006, Wauwatosa has generally [prohibited smoking](#) in restaurants, but with exceptions for taverns, combination tavern-restaurants and establishments that can show a "hardship," which is defined as a loss of gross receipts greater than 10% as a result of complying with the ordinance. The state law will end those exceptions.

Starting July 1, Shorewood will [enforce a ban](#) that largely mirrors the state ban that will take effect a year later. Like the state ban, Shorewood will still allow smoking in places such as cigar stores and on outdoor patios of bars and restaurants. But the Shorewood ordinance would be more restrictive in that it does not exempt cigar bars and also bans smoking in village parks. The state law would let the park smoking ban continue.

Milwaukee licensing authorities don't plan to administer the cigar bar exemption, leaving enforcement to police and the courts, said Grill and Ald. Jim Bohl, chairman of the Common Council's Licenses Committee.

Romans, who smokes cigars at home, not in his bar, said: "I'm not going to miss the cigarettes. I quit (smoking cigarettes) over 20 years ago, and I've taken in enough secondhand smoke."

*Tom Kertscher of the Journal Sentinel staff contributed to this report.*



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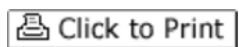
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