

HB 1229
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Good morning, Chairman Louser and members of the House Industry,
Business and Labor Committee,

My name is Josette Dupree, a resident of Mandan. Thank you for the opportunity to testify today in support of House Bill 1229.

I am the owner of Big Stick Cigars, a vintage tobacconist shop in downtown Mandan. I've been enjoying and selling cigars for many years now in North Dakota. Next month Big Stick Cigars will celebrate it's one year anniversary. In our first year, cigar sales have continued steady growth and we have established an ever-growing base of returning clients.

You may be wondering if our vintage tobacconist shop also sells cigarettes, vapes or CBD products. The answer is no. The focus of our shop is on fine cigars, pipe tobacco and accessories. Accessories being cutters, lighters and tobacco pipes. Guests that frequent our shop have commented that they are thankful for a true tobacconist shop where they can purchase just these items and not from a store bombarded with products that are in an environment conducive of a "head shop".

At Big Stick Cigars we hear many times from our guests "why do we not have cigar lounges in North Dakota"? Montana, South Dakota and even Minnesota allow them. I inform our guests that attempts have been made for an amendment to the century code to allow for cigar lounges, but have failed. During the 2021 legislative session HB 1152 passed in the House and failed by one vote in the Senate. Today myself and other cigar smokers are asking for your support in passing HB 1229 so that we may have the option to enjoy our cigars in an indoor, controlled environment.

Alcohol is a legal product with age restrictions for purchasing and consumption. Cigars are a legal product with age restrictions as well. Alcohol can be purchased *and ingested at a bar*. Cigars are also a legal product, but adults are denied the opportunity to enjoy the experience with like-minded individuals in a commercial setting.

In North Dakota, and much of the United States, even with the associated health risks, social alcohol consumption by adults over 21 is widely acceptable and normalized. **Yes, both alcohol and tobacco come with health concerns.** Yet, allowing cigar lounges an opportunity to flourish has taken a back seat to the recent explosion of stores selling vapes and outright paraphernalia.

You will hear about the public safety concerns of the anti-tobacco faction; are there health risks and concerns with smoking cigars?, **yes.** However, HB 1229 is aimed at the responsible use of cigars by consenting adults of legal age. The supporters of this bill want to play by the rules, and we want to make sure the state gets its fair share.

Today I am asking you on behalf of myself and other business owners and voters to have the opportunity to operate cigar lounges with a “DO PASS” recommendation vote for HB 1229. HB 1229 details professional rules and regulations that will ensure a safe environment to enjoy a cigar with other like-minded citizens. A safe environment will include a standard HVAC system that will circulate air, along with a powerful, commercial smoke eater. Smoke eaters draw smoke through a series of filters that collect harmful particles and odors before discharging fresh, clean air. A good commercial smoke eater will be able to remove about 95 percent of smoke particles on pass through the filter.

Previous legislative testimony opposition included statements like:

“What happens when patrons decide to smoke cigarettes, e-cigarettes or hookahs? Who will enforce and regulate this?”

As a rule overall, cigar lounges do not allow cigarettes to be smoked in cigar lounges. Why? Cigar smokers are there to smoke cigars and not have cigarette smoke interfere. It is a sign of disrespect for the people who pay lounge fees and buy expensive premium cigars for someone to just walk in and blow vape clouds in their face. As a small business owner, I am regulated by city, county, state and federal officials that do enforce and regulate codes and the law. Being self-employed I do not want to put my financial livelihood in jeopardy by not following the law and risk losing my licenses or receive penalties for not doing so.

Smoking doesn't only affect those people who smoke. It affects the people around them including employees who do not have the option to leave.

A cigar lounge is a destination business. If you do not smoke cigars, why would you go in to one? With the current employment crisis in our country, employees have many options of where they want to work. If they do not like cigars or being in a cigar smoke environment, they have a multitude of employment opportunities that would suit their personal financial situations.

Who will ensure that ONLY the purchased cigars are being smoked in the establishment? The owner/management of the business is responsible per laws and municipal codes. Similar can be said of alcoholic establishments. Bars and cigar lounge business owners do not want to place themselves in a situation to lose their licensing, penalties and potential business shut down.

I also heard that I am promoting and inviting youth to smoke cigars? In the many years I have personally enjoyed cigar smoking and sold cigars I have never had a child ask to purchase or try to “sneak a try” of my cigar. I follow federal age regulations for cigar sales in my shop. I do this as it is the law. Not only as a business owner, but a law-abiding citizen - I do not want to lose my licensure. The other legal product mentioned at the beginning of my testimony, alcohol, is an entirely different animal. *Underage drinking is an ongoing issue in our state* and one that is a concern of public health and law enforcement officials at every level... however, I am not aware of a pandemic of underage smoking of fine cigars.

As stated in a testimony in favor of cigar lounges during the 2021 session, *“the pendulum of regulation has swung entirely too far”*. Cigars are a legal product that should be given the same opportunities that alcohol has for consumption in a regulated business.

I’d be honored to give a tour of my boutique cigar shop in Mandan. Thank you for the opportunity to hear my testimony. I’d be happy to answer any questions you may have.

Thank you.