

— NATE GUSTAFSON —

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Chairman Swearingen and Members of the Committee on State Affairs,

I am here today to urge your support for Assembly Bill 211 (AB 211), a commonsense measure that promotes fairness, economic opportunity, and regulatory clarity for a unique segment of Wisconsin's hospitality industry.

When the statewide smoking ban was enacted, tobacco bars were rightly exempted as specialized venues where the primary product is tobacco. However, the law only applied to businesses in operation before June 4, 2009—creating an arbitrary distinction that blocks new entrepreneurs from opening the same type of establishment under the same rules. As a result, no new licenses for these businesses, often known as cigar lounges, have been issued since June 3, 2009.

AB 211 corrects this inequity. This legislation seeks to allow more of these businesses to open through the issuance of more licenses to meet the increasing demand across the state. It levels the playing field and ensures new business owners have the same opportunity to succeed as those who came before them.

This bill supports small business and economic growth. These adult-only venues will create jobs, support local suppliers, and generate tax revenue for their communities. It is pro-business legislation, allowing for growth while preserving public health standards.

Crucially, this bill in no way weakens the statewide smoking ban. It is a narrow, targeted reform that strikes a balance between protecting public health and respecting the autonomy of businesses and individual freedoms. It supports consumer choice by allowing adults to choose to enjoy a legal product in a designated, regulated environment. Cigar lounges, by their nature, are designated spaces for smoking, and customers know exactly what to expect: a dedicated space for adults choosing to enjoy a legal product.

Under AB 211, tobacco bars that came into existence on or after June 4, 2009, can be exempted if they satisfy all of the following: only the smoking of cigars and pipes is allowed, and the establishment is not a retail food establishment.... Current law defines a "tobacco bar" as a tavern that generates 15 percent or more of its annual gross income from the sale on the premises, other than from a vending machine, of cigars and pipe tobacco.

By passing AB 211, you are supporting fairness, free enterprise, the future of small business in Wisconsin, and the right of adult consumers to make their own choices in regulated environments. I urge your support for this vital legislation.

Thank you for your time and consideration.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Assembly Bill 211

Senate Committee on State Affairs
June 17, 2025

As a result of legislation passed many years ago here in Wisconsin, current law does not allow opening new “cigar bars” after June 3, 2009. If a cigar bar was open prior to that date, it is grandfathered into the law and is allowed to operate. Simply, a cigar bar is an establishment that does not serve food, allows the smoking of pipes and cigars indoors, and generates 15% or more of its revenue from the sale of cigar and pipe tobacco.

Smoking cigars is not for everyone. Some may say that smoking cigars is unhealthy. While that may be true, AB 211 does not force anyone to patronize a cigar bar if they don’t want, nor does it force anyone to smoke a cigar, or even be subject to cigar smoke unless they make the conscious decision to enter a cigar bar. AB 211 is a pro-business bill that lets the free market do what it does best – let the best businesses thrive and survive on their own instead of relying on a law to protect the select few who are currently operating.

AB 211 lifts the ban on opening a new cigar bar in Wisconsin. It does not make any changes to the smoking ban – meaning there would be no changes in regards to allowing smoking in any other establishments. AB 211 is a simple bill that eliminates an arbitrary date that picks winners and losers. If an entrepreneur wants to invest his or her money into a cigar bar, then the State should not stand in their way.

Allowing the cigar bar ban to continue accomplishes absolutely nothing. It restricts the growth of a business that sells legal products and serves a population in Wisconsin that is looking for more options.

I hope I can count on your support for this pro-business bill.

Members of the Committee

My name is Randolph Bush, and I am the President and CEO of RK Ventures Inc., a Wisconsin-based manufacturer of high-performance air purification systems sold under the LakeAir brand. Our manufacturing facility is located in Racine, where we design, build, and ship our equipment to individuals, businesses, and public institutions across the country. I've worked in this industry since 2011 and acquired the LakeAir brand in 2016 to preserve and advance its mission: Clean Air Everywhere.

LakeAir is no stranger to smoke removal. The company was one of the earliest American manufacturers of what came to be known as *smoke eaters*. That work began in 1968 here in Wisconsin, and it continues today with more advanced technology and broader application. While the term "smoke eater" has become generic, our approach has remained focused and field-proven: we build systems that clean the air effectively for both smokers and non-smokers.

The reason I have been asked to speak to you today is not as an advocate of smoking, but as someone who has hands-on experience in the line of smoke removal, especially smoke that is created by tobacco products. Our company is the only American Manufacturer of smoke eaters that is a member of the Premium Cigar Association. This gives us direct, ongoing contact with smoking establishments across the country. I'm regularly consulted by venue owners, designers, and municipal planners seeking practical solutions for smoke and odor control.

Cigar Smoking Culture of Today

In past years, especially pre-COVID, the goal of a cigar lounge owner (in regards to air purification) was to remove enough smoke from the air so you could see the other side of the room. A lot has changed, and I see this in almost every inquiry I get about smoking establishment air purification. The goal of smoke shop and lounge owners today is to create an atmosphere where visitors can enjoy smoking and leave without smelling like an ashtray. A successful lounge today accommodates both smokers and non-smokers. They come to LakeAir to help provide a safe environment for staff and customers.

Today, a couple goes out for dinner and some entertainment after a great meal at a local restaurant. The couple stops into the cigar lounge. The guy enjoys a cigar and bourbon, the lady enjoys a glass of brandy. She doesn't mind stopping in because this is an upscale environment, and she knows the stop will not mean she has to go home and wash her hair.

In the past two years, I have helped set up air purification for nearly 100 smoking venues across America. I would estimate that a high percentage, likely 75% or more, have approached me with the intention of setting up high-end air purification. That begs the question: What is High-End air purification?

Good Smoking Establishment Air Purification:

To have good air quality, we look to the experts. Who are these experts? We use two sources: (1) The International Mechanical Code and (2) ASHRAE (the American Society of Heating, Refrigerating and Air-Conditioning Engineers). On May 1, 2018, the state of Wisconsin formally adopted both IMC and ASHRAE standards. These two groups offer a great deal of advice and even guidelines in the areas of ventilation and specifically ventilation in a smoking establishment.

IMC code chapter 4 dictates that a smoking establishment should provide ventilation based on these guidelines. The number of occupants for a smoking establishment should be 70 people per 1000 square feet, and each of those persons needs to be provided with 60 cubic feet per minute of treated air. IMC goes on to say that treated

RK Ventures Inc.
1509 Rapids Drive, Suite 23
Racine, WI 53404



air can be either fresh air brought in from outside or air that is properly filtered (such as a smoke eater) and recirculated.

IMC Code does state that some fresh air must be introduced into a smoking establishment. They do not give any exact amount or percentage. However, when speaking with inspectors and city planners from across the country, the consensus is that a good number is equal to 1 air change per hour of clean air being introduced to the smoking establishment. This is necessary to remove gases that cannot be filtered out, such as carbon monoxide and carbon dioxide.

LakeAir makes product recommendations in a slightly different way. Our recommendations are based on 20 air changes per hour of treated air. The IMC Code does not take into account the ceiling height of the smoking area. Our system does, and we often end up suggesting even more air purification than required by IMC and ASHRAE. In the past, the majority of cases, shop owners were purifying the air above and beyond what the code asked for.

As we look to allowing new smoking establishments in the state of Wisconsin, we do not need to research new laws and standards. The IMC Code, which is already used across the state for ventilation requirements, is in place and provides guidelines that protect both employees and visitors of smoking establishments.

Before inviting you to ask questions, I wanted to provide a couple of examples of smoking establishments that I think help show the ideology of today's smoking establishments and cigar lounges.

The Potawatomi Hotel and Casino in Milwaukee has recently opened a portion of the casino to smoking. They asked me to visit their location and provide them with information and a quote for air purification equipment. The casino was already allowing smoking in one section, but the expectation of the public today requires more than just clearing some of the smoke. After our meeting, they added \$30,000.00 of additional equipment and have invested in a filter maintenance plan of \$28,000.00 a year.

Recently, we helped "The Refuge Cigar Lounge" in Moscow, Idaho, obtain its smoking permit. This is the first new cigar lounge to open in Idaho in nearly 20 years. We prepared a ventilation plan for this customer, using the IMC code as a base and incorporating additional odor removal and ventilation to provide a high-quality air filtration system. The city planning board was satisfied with the plan, and the city's amenities have expanded.

Another example of the establishment's owner seeking an upscale experience for its clients and the local municipality collaborating on a ventilation plan is the Grand Middle East Hookah in Bryn Mawr, Pennsylvania. I worked closely with the owner and the township's senior building inspector to create a ventilation plan that exceeded the municipality's requirements, providing the staff and customers with a great smoking venue.

The Entire Cigar Industry is shifting its stance on cigars and clean air. At the last Premium Cigar Association conference, the board members and planners worked with LakeAir and Rabbit Air to provide areas set aside for reduced smoke exposure. We are working closely with the PCA to expand the clean air oasis for future conventions. As a whole, the cigar industry is moving to a stance where responsibility and smoking work hand in hand.

The country is moving to opening new cigar smoking establishments. States like North Dakota and Connecticut have recently approved new smoking venues. I believe it is time for Wisconsin to open this new market and allow the economic growth within our great state.

Chad J. Karl
Regarding Assembly Bill 211
June 17, 2025

- My name is Chad J. Karl and I am a concerned Wisconsin resident
- I am testifying about how a ban on Cigar lounges limits the freedom of Wisconsinites in a manner we don't see in other industries.
- For example, you can go to nearly any vape shop and purchase and smoke vapes as Wisconsin's Smoke Free Air Law doesn't explicitly mention e-cigarettes. At some point, marijuana will be legalized for purchase like neighboring states with again the same ability to smoke there. A person can choose to visit a strip club, adult store, bar, etc., without laws more restrictive than that placed on cigars and pipes. Cigars are not cigarettes or vapes as they don't have toxic additives, just pure natural tobacco, which you don't inhale. It doesn't make sense to lobby for freedom of choices in more toxic industries and then restrict choices elsewhere.
- I wanted to share this story, as I have witnessed other cigar lounges having cumbersome costs to open establishments while others considering opening and even transferring from Illinois being discouraged and have not opened.
- In addition, as a Veteran and a family history of Veterans, my family has served to protect the freedom of Americans. My grandfather was a decorated World War 2 Veteran and smoked cigars and pipes for nearly 70 years. My father is a decorated double purple heart and Bronze star Vietnam Veteran and has smoked pipe for over 50 years. I served in the Navy and have smoked cigars for over a quarter century.
- I believe passing of AB211 would generate additional tax revenue as the tobacco industry is heavily taxed and create new establishments in WI., fostering capitalism with a win for additional revenue to WI.
- I would like to personally thank all of the representatives for the opportunity to testify. Your consideration of these matters and solutions is very much appreciated. Thank you.

Regarding Assembly Bill 211

June 17, 2025

- My name is James Thompson and I am a concerned Wisconsin resident, residing in Kenosha.
- I am testifying about how a ban on Cigar lounges limits the freedom of Wisconsinites and restricts the American dream of owning a business in Wisconsin. These limits are like none other in any segment of business in Wisconsin. They are not just limits but a tool to eliminate cigar lounges all together. Little-known fact that you cannot apply for a tobacco license under current WI law, and if a tobacco license is not sold or transferred, it is eliminated from the system altogether. As you can see, tobacco licenses are a dying breed.
- I am an avid cigar smoker and belong to several clubs. I am in the insurance and real estate industry, where networking and socializing are super important. We have extensively researched all aspects of opening an upscale cigar lounge in Kenosha and have been met with roadblock after roadblock due to current legislation. We have analyzed the projected revenue and benefits to the local community.
- We compared revenue and sales to surrounding areas who have a current cigar lounge.
- On average, a new lounge would create 3-5 new positions with local hiring priorities.
- Sales Tax Revenue is estimated at \$16,500 a year plus licensing fees.
- Supports Commercial Revitalization by occupying currently vacant or underused commercial property.
- It increases foot traffic, benefitting restaurants, hotels and shops.
- A cigar lounge provides a refined space for socializing, networking, and cigar appreciation for adults 21+.
- By providing and sponsoring community events, such as Veteran-focused charity nights, cigar tasting and pairing events, educational workshops, and rental space for local organizations and professionals to host small events and meetings.
- These cigar lounges would be limited to cigars and pipe tobacco, no cigarettes or vaping.
- A local lounge appeals to visitors from Illinois due to more restrictive smoking laws and taxes.
- AB 211 restores entrepreneurial fairness, offering a high-end, well managed alternative to the traditional nightlife. Reinforces downtown identity as a mixed use, vibrant community space.
- You can go to nearly any vape shop and purchase and smoke vapes as Wisconsin's Smoke Free Air Law doesn't explicitly mention e-cigarettes. You can go to a bar and drink toxic chemicals that, in excess, are mind-altering. You can go to the hookah lounge and indulge in your favorite flavor. All of which are accessible in large quantities in almost every city and town across the

state. Cigar lounges are few and far between approximately 17 in existence today and those are mostly located in and around Milwaukee & Madison.

- WI will not issue you a license to do so. You can't apply with the state for a tobacco license, and the ones in existence are operating successful businesses and not at the point where they would like to exit. There are so many opportunities to open great successful businesses around the state, but we can't because of government restrictions.
- I believe passing of AB211 would generate additional tax revenue for the state, the local municipalities in which it would operate in. And most importantly, create more jobs and allow another Wisconsinite to achieve his or her dreams of owning a business.
- Summary The Kenosha Cigar Lounge is more than a business—it is a thoughtfully designed space to promote economic growth, responsible adult recreation, and community engagement. With approval, it will stand as a local asset and positive force within Kenosha's commercial and cultural landscape.



American Cancer Society Cancer Action Network
Sara Sahli, Wisconsin Government Relations Director
608.215.7535
sara.sahli@cancer.org
fightcancer.org/wisconsin

June 17, 2025

To: Assembly Committee on State Affairs
From: The American Cancer Society Cancer Action Network
Re: Testimony in Opposition to Assembly Bill 211

Good afternoon, Chairman Swearingen, and members of the Committee,

My name is Sara Sahli, I'm the Government Relations Director for the American Cancer Society Cancer Action Network (ACS CAN) in Wisconsin. ACS CAN and our board members, volunteers, and staff advocate for public policies that reduce death and suffering from cancer.

I am here today to testify in opposition to Assembly Bill 211, a bill that would create a significant loophole in Wisconsin's Indoor Smokefree Air Law. Assembly Bill 211 is substantially more comprehensive and more harmful than it looks. We believe this bill goes further than intended.

Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars." Current law defines a tobacco bar as a tavern in existence as of June 3, 2009, that generates 15 percent or more of its annual gross income from the sale of cigars and pipe tobacco. This bill would allow cigar, brown cigarette, and pipe smoking in any bar that meets the 15 percent gross annual income threshold.

In addition to the loophole in clean indoor air protections, it is unclear who verifies the sales threshold, and who will regulate or enforce the new law. Wisconsin would need to create new procedures to track the location and revenue of tobacco bars – this bill does not put any of those procedures in place. Furthermore, communities do not have the authority to decide whether these establishments can or cannot operate locally as there is not a separate tobacco bar license and this bill does not create them. Under the proposed law, a tavern would only be required to have a tobacco retailer license to operate as a tobacco bar. The tobacco retailer law preempts local communities from denying a license to a business.

The proposed change complicates the law, takes away a long-held norm, and would require training and additional work for law enforcement. In addition to being logistically difficult, as written, staff at these establishments would have no protections from their workplace setting out a box of cigars and self-identifying as a tobacco bar, creating a smoke-filled workplace and harmful environment for employees.

Additionally, in Wisconsin, cigarettes wrapped in brown paper are classified and taxed as cigars. These brown cigarettes/little cigars are identical in size and shape to cigarettes, are sold in cigarette-like packs of 20, have a filter like a cigarette, and consumers would be legally allowed to smoke these brown cigarettes in these so-called "tobacco bars." This bill isn't a cigar bar bill, focused as narrowly as some like to describe it. It is a tobacco bar bill, as the law states, allowing use of a wide array of harmful products including cigarettes.

Any proposal to allow cigar, brown cigarette, and pipe smoking in our smokefree workplaces creates a loophole in Wisconsin's wildly popular smokefree air law and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use. Current law has been in place for 15 years and recent polling shows 77% of Wisconsinites support this law.

This is an important issue for our organization, our board, and our volunteer advocates in the state and we ask that committee members please vote no on Assembly Bill 211.

Thank you for your time.



April 2, 2025

Dear Members of the Wisconsin State Legislature,

We are writing to express opposition to LRB 0951/1 relating to: exempting tobacco bars from the public smoking ban and ask that you do not sign on as a co-sponsor.

This bill would create a loophole and weaken Wisconsin's smokefree air law by allowing smoking of cigars, brown cigarettes, and pipe tobacco in so-called "tobacco bars." It undermines Wisconsin's popular smokefree air law which, as currently applied, is broadly popular, with 77.5% of Wisconsinites supporting the current law, 18.3% neither support nor oppose, and only 4.2% oppose the clean indoor air law.¹

Current law defines a tobacco bar as a tavern that generates 15 percent or more of its annual gross income from the sale of cigars, brown cigarettes, and pipe tobacco. This includes cigarettes wrapped in brown paper, which are classified (and taxed) as a cigar in Wisconsin. These brown cigarettes, known as "little cigars", are identical in size and shape to cigarettes, are sold in cigarette-like packs of 20, and have a filter like a cigarette. The only difference is they are wrapped in brown paper instead of white paper.



In addition to the brown cigarette loophole and the loophole this creates in clean indoor air protections, Wisconsin would need to create new procedures to track the location and revenue of tobacco bars. This would be logistically difficult, expensive for taxpayers, and could create new red tape for all taverns. The proposed change complicates the law and would require training for law enforcement.

This bill isn't a narrow cigar bar bill as it might first seem. It is a tobacco bar bill, as the bill states, allowing use of a wide array of addictive products.

We urge you to oppose this legislation and ask that you do not sign on as a cosponsor.

Thank you for your consideration,

American Cancer Society Cancer Action Network
American Heart Association
American Lung Association
Americans for Nonsmokers' Rights
Campaign for Tobacco Free Kids
Children's Hospital of Wisconsin
Coalition of Wisconsin Aging and Health Groups
Emplify Health

UW Health
UW School of Medicine and Public Health
Wisconsin Association of Local Health Departments and Boards
Wisconsin Allergy Society
Wisconsin Medical Society
Wisconsin Public Health Association
Wisconsin Primary Healthcare Association
Wisconsin Society for Respiratory Care

For additional information, please reach out to:

Sara Sahli, American Cancer Society Cancer Action Network, 608.215.7535, sara.sahli@cancer.org
Molly Collins, American Lung Association, 262.395.1700, molly.collins@lung.org

¹ Wisconsin Tobacco Facts: Adults. February 2023. https://www.cuph.org/uploads/2/5/8/5/25855930/tobacco_facts_adults_2023_february_1.pdf



Wisconsin Chapter

Testimony opposing Assembly Bill 211

Submitted to the Assembly Committee on State Affairs

On behalf of the Wisconsin Chapter of the American College of Physicians

Chairman Swearingen and Members of the Committee:

The Wisconsin Chapter of the American College of Physicians (ACP) urges you to oppose Assembly Bill 211, which would weaken Wisconsin's clean indoor air law by allowing tobacco exemptions for some establishments.

The American College of Physicians is the largest medical specialty organization in the United States, with over 160,000 members who apply scientific knowledge and clinical expertise to the care of adults across the spectrum from health to complex illness. In Wisconsin, our 2500 members include physicians in communities large and small around the state.

This bill threatens to reverse one of Wisconsin's most significant public health achievements. The 2009 Wisconsin Indoor Smoking Ban was a bipartisan, evidence-based policy that has protected workers, patrons, and communities from the well-documented harms of secondhand smoke.

There is no safe level of exposure to secondhand smoke. The U.S. Surgeon General and countless medical studies have shown that secondhand smoke—whether from cigarettes, cigars, or pipes—causes heart disease, stroke, lung cancer, and worsens chronic conditions like asthma and COPD. Permitting smoking in enclosed, public spaces—regardless of the product—puts workers and visitors at risk, including those who may not have the privilege of avoiding such environments due to their jobs.

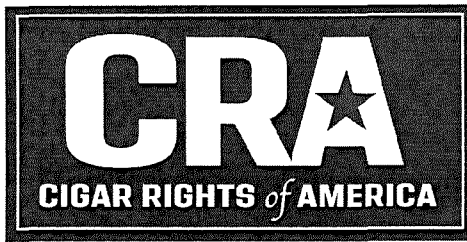
Internal medicine physicians care every day for patients suffering from the devastating consequences of tobacco use and exposure: heart attacks in middle-aged adults, emphysema in restaurant workers, or premature death in those with no personal tobacco history but years of exposure in smoke-filled workplaces. As Wisconsin physicians who care for patients with chronic disease, we respectfully ask the committee to reject this proposal. Preserving the integrity of the state's clean indoor air law is a vital step toward a healthier, longer-living population.

Thank you for your time and consideration.

Submitted by:

Wisconsin Chapter, American College of Physicians

June 17, 2025



Cigar Rights of America
210 King St. Alexandria, VA 22314
(800) 460-0729
www.cigarrights.org

June 17, 2025

**Cody Carden - Director of State Legislative Affairs, Cigar Rights of America
Testimony In Support of Wisconsin Assembly Bill 211**

Chairman Swearingen & Committee Members:

My name is Cody Carden, and I serve as the Director of State Legislative Affairs for Cigar Rights of America (CRA), a national advocacy organization dedicated to protecting the rights of premium cigar enthusiasts and the small businesses that serve them. I am submitting this testimony to state CRA's strong support for Assembly Bill 211 (AB 211). At its core, AB 211 would modestly expand Wisconsin's indoor smoking ban exemption to allow new adult-only cigar bars under strict conditions similar to those enjoyed by a handful of pre-2009 establishments. This legislation is pro-business, pro-community, and pro-freedom. It does not weaken Wisconsin's smoke-free law or public health protections. Instead, it strikes a sensible balance: preserving the general indoor smoking ban while permitting a limited, well-regulated outlet for adults to enjoy premium cigars in a controlled environment.

Premium Cigars are Unique – And So Are Their Users

At the outset, it is essential to understand that premium cigars are fundamentally distinct from other tobacco products in terms of their nature, usage, and risk profile. Premium cigars are handcrafted, artisanal products – they are larger, made by hand, more expensive, and lack the sweet or fruity “characterizing flavors” that are often found in mass-market cigarillos or cigarettes. The average premium cigar retails for about \$8–12 per cigar, significantly more expensive than a pack of cigarettes, reflecting the craftsmanship and quality involved. This is not a product that appeals to young people or those with impulsive consumption tendencies. Youth use of premium cigars is virtually nonexistent – a recent National Academies of Sciences, Engineering, and Medicine (NASEM) study found that only 0.6% of recent premium cigar smokers in the U.S. were under 18. Even at that number, NASEM's finding may represent an overestimate of youth use because of the breadth of the definition used for premium cigars in the report.

Further, premium cigar enthusiasts, generally speaking, are overwhelmingly adults, often middle-aged and older. These cigars are enjoyed for their naturally occurring flavor, craftsmanship, and leisurely experience, not for quick nicotine fixes.

Most importantly, premium cigar use patterns are fundamentally different from cigarettes and other mass-market tobacco products. Premium cigar smokers tend to be occasional users, not habitual or dependent smokers. Data from the 2013 National Adult Tobacco Survey shows that 96.7% of premium cigar consumers smoke fewer than one cigar per day. Specifically, only 3.3% reported daily use, 25.6% reported occasional use, and 71.2% reported that they smoke rarely. By comparison, the NASEM report found that 76% of cigarette smokers report daily use. The median consumption for premium cigar users is approximately 0.1 cigars per day—roughly one cigar every ten days—compared to 10 cigarettes per day for the typical cigarette smoker. This stark contrast underscores that premium cigar use is generally infrequent, social, and non-addictive, unlike the habitual nature of cigarette smoking.

Because of these patterns, the health risks associated with premium cigars are significantly lower than those of cigarettes and other tobacco products when used in moderation. This assertion is backed by a *Journal of the American Medical Association* article that analyzed data from the National Longitudinal Mortality Study (1973–2011) and found no statistically significant increase in mortality for adults who smoke fewer than one cigar per day.

A Controlled, Adult-Only Environment – Addressing Secondhand Smoke Concerns

While I fully recognize the health concerns related to secondhand smoke from cigarettes and mass-market tobacco, Wisconsin's indoor smoking ban appropriately addresses those risks. AB 211 does not weaken or roll back that law. Instead, it creates a narrowly defined exemption for adult-only cigar bars—specialized, controlled environments where cigar smoking occurs entirely separate from the general public and only among consenting adults.

Under this bill, any new “tobacco bar” must meet strict conditions to qualify for the exemption:

- **Adult Focus & Liquor License:** It must be a tavern (Class B license), meaning minors are not permitted, and it is an adult-oriented space by law.
- **Primarily Cigar/Pipe Sales:** It must derive at least 15% of its gross revenue from the sale of cigars or pipe tobacco, ensuring it is genuinely a cigar-focused lounge, not a loophole that allows cigarette smoking in regular bars. Cigarette smoking would still be banned – AB 211 explicitly limits smoking to cigars and pipes only.
- **No Food Service:** It cannot be a retail food establishment or restaurant. This was a necessary concession to those who feared a return to smoking in restaurants. This means Wisconsin's restaurants and dining areas remain 100% smoke-free, as they have since 2009.

These conditions ensure that a cigar bar will be a highly regulated specialty venue, effectively replicating the model of the existing cigar lounges that were grandfathered in. These lounges have followed the rules for years without problems. People do not end up in a cigar bar by

accident. The customers are adults who knowingly choose to enter and enjoy a cigar, and likewise, the employees voluntarily choose to work in that environment.

Economic and Cultural Benefits of Cigar Lounges

Beyond the health considerations, we must consider the economic and cultural impacts. Premium cigar bars and lounges are typically small, family-owned, or locally owned establishments rather than large corporations. The premium cigar industry in the U.S. is dominated by small businesses, with over 3,000 specialty retailers nationwide (including many in Wisconsin) that sell premium cigars and related products.

These are mom-and-pop shops, not “Big Tobacco.” When they are allowed to include a smoking lounge, it often makes the difference between a struggling shop and a thriving business, as adult customers can sample and enjoy cigars on-site, fostering a stronger customer community and additional revenue. AB 211 would give Wisconsin’s premium tobacco retailers and entrepreneurs a chance to innovate and expand, creating inviting spaces that generate jobs, sales tax revenue, and even tourism.

Consider the experience of cigar lounges in other areas: a well-run cigar lounge becomes a community gathering space for cigar consumers, much like a brewery taproom for craft beer lovers or a coffeehouse for coffee enthusiasts. These lounges often host events such as cigar-tasting evenings, educational sessions on cigar craftsmanship, or charity fundraisers. They attract enthusiasts from beyond the immediate neighborhood. The same can be true in Wisconsin: Cities like Milwaukee, Madison, and Green Bay, as well as smaller communities, could see increased tourism and hospitality spending if they offer a unique cigar lounge experience.

Currently, there are only a handful of establishments in Wisconsin that were grandfathered before the 2009 smoking ban. No new entrants can obtain a license to open a cigar bar under current law. This is a state-mandated monopoly that picks winners and losers based on an arbitrary date. AB 211 would restore a level playing field. Businesses that meet the strict definition of a tobacco bar and comply with the smoking restrictions can apply for a license.

Respectfully Rebutting the Opposition

I understand that some public health organizations reflexively oppose any exemption to smoking bans. However, premium cigars are not the problem. Treating cigar lounges the same as cigarette bars is a false equivalence. AB 211 has built-in guardrails, including no cigarettes, no food service, and strict revenue and licensing requirements.

Other states have similar exemptions for cigar bars, and their overall smoking bans remain intact and effective. Employees work there by choice, and many are knowledgeable cigar users themselves. Additional requirements for signage or ventilation could provide even more

assurance. Public health and personal choice need not be at odds here. We can uphold smoke-free public places while allowing this small, specialty sector to serve its clientele.

Conclusion

Wisconsin's current indoor smoking law has successfully protected public health. AB 211 does not roll back that success. It simply updates the law to reflect a reasonable accommodation for adult cigar enthusiasts and the small businesses that serve them, all while ensuring the general public remains protected. This bill is about fairness, economic development, and consumer choice.

I urge you to support AB 211. By doing so, you will help Wisconsin entrepreneurs create jobs and unique local establishments, bolster an artisan industry steeped in culture and tradition, and offer adult consumers the freedom to enjoy a legal product in a suitable venue — all while preserving Wisconsin's strong commitment to public health.

Thank you for considering this testimony.

On behalf of the Premium Cigar Association, we are pleased to support H.B. 211 (it is our understanding that the bill will be before your State Affairs Committee for a hearing) which will allow for Wisconsin small businesses that meet the definition of a "tobacco bar" in existence after June 4, 2009 to be exempt from indoor smoking restrictions.

The granting of such authority would allow for new sources of revenue for a narrowly defined class of small businesses that would meet the needs of those that wish to patron such business establishments. Across the country, states and localities are recognizing the need for such exemptions and licenses, given the niche clientele of those that wish to enjoy premium handmade cigars and adult-beverages.

In recent legislative sessions, Connecticut and North Dakota have enacted such bills, with both awarding (cigar bar) permits to a limited number of establishments. Over half of the nation allows for cigar bars (or allowing for premium cigar shops to have a liquor license) or grandfathered in such businesses when enacting smoking restrictions. There is similar pending legislation in New York, Ohio as well as planning efforts in Michigan.

Handmade cigars should not be equated with the issues associated with other tobacco products. Independent studies have noted the lack of any statistically relevant association with addiction, inhalation, or mortality. Cigar bars cater to a discerning adult population and are often viewed as a compliment to the local business community, for locals and travelers, alike.

The Premium Cigar Association commends the diligence placed into planning this legislation, and further supports the "guardrails" within the bill, such as restricting it to cigars and pipes only. We would welcome the opportunity to assist the committee with applicable research and related models from throughout the nation.

We appreciate your consideration of our position.

Sincerely,

Glynn Loope, Director of State Advocacy
Premium Cigar Association



American Cancer Society Cancer Action Network
Sara Sahli, Wisconsin Government Relations Director
608.215.7535
sara.sahli@cancer.org
fightcancer.org/wisconsin

June 17, 2025

To: Assembly Committee on State Affairs
From: The American Cancer Society Cancer Action Network
Re: Testimony in Opposition to Assembly Bill 211

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My name is Sara Sahli, I'm the Government Relations Director for the American Cancer Society Cancer Action Network (ACS CAN) in Wisconsin. ACS CAN and our board members, volunteers, and staff advocate for public policies that reduce death and suffering from cancer.

I am here today to testify in opposition to Assembly Bill 211, a bill that would create a significant loophole in Wisconsin's Indoor Smokefree Air Law. Assembly Bill 211 is substantially more comprehensive and more harmful than it looks. We believe this bill goes further than intended.

Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars." Current law defines a tobacco bar as a tavern in existence as of June 3, 2009, that generates 15 percent or more of its annual gross income from the sale of cigars and pipe tobacco. This bill would allow cigar, brown cigarette, and pipe smoking in any bar that meets the 15 percent gross annual income threshold.

In addition to the loophole in clean indoor air protections, it is unclear who verifies the sales threshold, and who will regulate or enforce the new law. Wisconsin would need to create new procedures to track the location and revenue of tobacco bars – this bill does not put any of those procedures in place. Furthermore, communities do not have the authority to decide whether these establishments can or cannot operate locally as there is not a separate tobacco bar license and this bill does not create them. Under the proposed law, a tavern would only be required to have a tobacco retailer license to operate as a tobacco bar. The tobacco retailer law preempts local communities from denying a license to a business.

The proposed change complicates the law, takes away a long-held norm, and would require training and additional work for law enforcement. In addition to being logistically difficult, as written, staff at these establishments would have no protections from their workplace setting out a box of cigars and self-identifying as a tobacco bar, creating a smoke-filled workplace and harmful environment for employees.

Additionally, in Wisconsin, cigarettes wrapped in brown paper are classified and taxed as cigars. These brown cigarettes/little cigars are identical in size and shape to cigarettes, are sold in cigarette-like packs of 20, have a filter like a cigarette, and consumers would be legally allowed to smoke these brown cigarettes in these so-called "tobacco bars." This bill isn't a cigar bar bill, focused as narrowly as some like to describe it. It is a tobacco bar bill, as the law states, allowing use of a wide array of harmful products including cigarettes.

Any proposal to allow cigar, brown cigarette, and pipe smoking in our smokefree workplaces creates a loophole in Wisconsin's wildly popular smokefree air law and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use. Current law has been in place for 15 years and recent polling shows 77% of Wisconsinites support this law.

This is an important issue for our organization, our board, and our volunteer advocates in the state and we ask that committee members please vote no on Assembly Bill 211.

Thank you for your time.

6/17/2025

Christina Valentine
4103 Maher Avenue
Madison, WI 53716

Dear Members of the Assembly Committee on State Affairs,

My name is Christina Valentine, and I live in Madison. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I grew up in a home where a parent smoked indoors. As a child, I had no choice but to breathe that air—day and night. I still remember the thick smell that settled into everything—my clothes, the furniture, even my toys. But it wasn't just unpleasant—it made me sick. I had frequent coughs, headaches, and a constant sense of discomfort. At the time, I didn't know the term "secondhand smoke," but I knew it was affecting me.

We've made incredible progress over the years. Strong smokefree indoor policies have protected countless children like I once was, and they've helped create healthier environments for everyone, especially in public spaces and workplaces.

It's heartbreaking to think we could go backward. We've come so far, and undoing smoke-free protections would only set us back. It would expose a new generation to the same harms I lived through—and that's not progress. That's regression.

I care about smoke-free spaces because I know what it's like to live without them. No one should have to suffer in their own home, workplace, or community space. Access to clean indoor air should be a basic expectation, not an exception.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Christina Valentine
christinacvalentine@gmail.com
814-688-5763

CC: Senator Roys & Representative Stubbs

June 17, 2025

Courtney D'Jock
1651 102nd Ave.
Hammond, WI 54015

Dear Members of the Assembly Committee on State Affairs,

My name is Courtney D'Jock, and I live in Hammond, WI. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars." The current law has been a great success at keeping workings and customers safe. In fact, the indoor air law has been widely supported by 77.5% of Wisconsinites, 18.3% neither support nor oppose, and only 4.2% oppose the clean indoor air law.

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

If we are to allow smoking in bars this will open the state of Wisconsin up to many issues. I am concerned not only for the health and well-being of all but also for the fact that it would be very difficult to enforce. We would need to have new procedures created to track the location and revenue of tobacco bars. This would be very logistically difficult and it would be very expensive for taxpayers.

In addition, I feel that normalizing cigar smoking in our community sends the wrong message to young people and provides tobacco companies with the continued opportunity to aggressively market their deadly and addictive products. Exposing our youth to a perceived "acceptable smoking culture" is not the direction our community should be moving.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Courtney D'Jock
courtneyhaas64@gmail.com
763.843.6043

CC: Senator Rob Stafsholt & Representative Rob Kreibich

June 17, 2025

Katie Flory
413 Mountain Ave
Waukesha, WI 53188

Dear Members of the Assembly Committee on State Affairs,

My name is Katie Flory, and I live in Waukesha, Wisconsin. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

As both a bartender in downtown Waukesha and a musician who regularly performs in bars and restaurants, I recognize the critical importance of maintaining Wisconsin's smokefree air laws. I take pride in coming to work each day knowing that I am breathing clean air, free from the dangers of secondhand smoke.

The establishment where I work is relatively small, with limited staff on duty at any given time. Tasking employees with enforcing exemptions for indoor smoking or distinguishing between legal and illegal smoking products would place an excessive burden on staff. Furthermore, it would require the state to conduct routine compliance checks, necessitating additional training for law enforcement and creating unnecessary costs for taxpayers.

Wisconsin has made significant progress in de-normalizing smoking behavior, and our smokefree air law plays a vital role in setting a positive example for youth and young adults about the risks associated with smoking. Since the law's implementation in 2010, the adult smoking rate in Wisconsin has decreased from 19% to 12% as of 2023. Youth smoking rates have also seen a dramatic decline, with smoking among Wisconsin high school students dropping from 17% in 2009 to just 3% in 2023 (Palmerheim, 2025, *Tobacco Surveillance - CUPH*).

Protecting our smokefree air laws is essential to preserving these public health gains and continuing to move forward.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Katie Flory
florykat98@gmail.com
608-558-4403

CC: Senator Bradley & Representative Allen

6/17/2025

Kyla King
136 S Webster Avenue
Green Bay, WI 54301

Dear Members of the Assembly Committee on State Affairs,

My name is Kyla, and I live in Green Bay. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smoke-free taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smoke-free workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

I'm old enough to remember my parents picking restaurants based on whether they were smoke-free, or in a pinch settling for the non-smoking section. But I knew how our clothes and hair smelled after sitting in one. We were breathing the same air and essentially smoking the same cigarettes by proxy. I knew this didn't add up.

Yet that's the flawed logic that Assembly Bill 211 is asking us to swallow—or should I say inhale—that "cigar bars" can somehow allow public cigar smoking while defying the laws of physics and not encroaching on the right of non-smokers to breathe clean air in a public space.

We're also supposed to believe that this exemption won't be pushed to the limits by bar owners, and that compliance will be strictly enforced.

We know that smoking is the single most preventable cause of cancer and heart disease. We know that preventable cancer and heart disease drive up healthcare costs and insurance costs, and that we all share that financial burden.

Whatever the bill's true intention, it's obvious the result will be creating a small benefit for a few, while passing on the burdens of that benefit to the rest of us.

We mustn't turn back the clock on one of the simplest and most effective public health measures ever implemented for such illogical reasons.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smoke-free.

Sincerely,

Kyla King
kyla.danae@icloud.com
920-562-5365

CC: Jamie Wall & Amaad Rivera-Wagner

6/17/2025

Lacey O'Rourke
303 N Hamilton St.
Madison, WI 53703

Dear Members of the Assembly Committee on State Affairs,

My name is Lacey, and I live in Madison, WI. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

Everyone deserves the opportunity to be in an environment that doesn't harm their health. Creating smoke-free spaces isn't just about comfort, it's about protecting people from preventable harm. When we ensure clean indoor air, we give people the chance to live healthier lives without the burden of secondhand smoke.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Lacey O'Rourke
Lacey.orourke@cancer.org
920-570-1899

CC: Senator Roys & Representative Hong

June 17, 2025

Linda DeGarmo
S958 Schultz Ln
Chaseburg, WI 54621

Dear Members of the Assembly Committee on State Affairs,

My name is Linda DeGarmo, and I live in Chaseburg. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill. Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

15 years ago, when Wisconsin went smokefree I owned a small bar and restaurant in Chaseburg. I hated selling cigarettes to our customers, but when you own a bar in Wisconsin, you almost have to. My dad started smoking when he was 13 years, and he smoked for 70 years. He was diagnosed with skin cancer of his lip and had part of it removed. He also lost his sense of taste. My brother-in-law lost a lung to cancer from smoking, so, I didn't like selling cigarettes.

When the time came for Vernon County to pass the smokefree law, I was asked to be an advocate for it. That day, we decided to discontinue selling cigarettes. Not a very popular thing in a small town, but my husband and I thought we should lead by example and just stand the loss of business. We did lose business for a while, but after people started coming in to eat with their families and being able to go home without smelling like smoke, our business came back. Please don't go back to the days when families have to decide to go to a small bar/restaurant because of smoking.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely

Linda DeGarmo
grannydegarmo@yahoo.com
608-769-1919

CC: Senator Brad Pfaff & Representative Tara Johnson

6/17/2025

LuAnn Williams Belter
New Berlin, WI

Dear Members of the Assembly Committee on State Affairs,

My name is LuAnn Williams Belter, and I live in New Berlin. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

As a breast cancer survivor, I continue to deal with the consequences of emotional stress, medical treatment, and my ultimate cure. This means I am very aware of what I am ingesting and what my environmental exposure is. That's why learning Wisconsin could weaken its smoke free air law has me deeply concerned for myself and others.

To enjoy public spaces and not be concerned about the thousands of chemicals in cigarettes, including those known to cause cancer, means that I will experience emotional stress and potential physical harm. After being cancer free for over 5 years I do not want that for myself, let alone my family and community.

I support freedom of choice but not when the consequence infringes on the rights of others. Weakening the smokefree air law will do exactly that. Breathing clean air is an inherent right for all, requiring protection and enforcement.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

LuAnn Williams Belter

June 17, 2025

Mariah Forster Olson
2272 Coulee Drive
La Crosse, WI 54601

Dear Members of the Assembly Committee on State Affairs,

My name is Mariah Forster Olson, and I live in La Crosse. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

In 1980 at just one year old, I was diagnosed with neuroblastoma, a type of childhood cancer that consists of a solid tumor. My tumor grew out of several levels of my spine, wrapped around part of my heart, pushing against my trachea and lungs and occupying almost the entire right side of my chest. I had two surgeries, multiple radiation treatments, and a two year "experimental" chemotherapy protocol. As a result of my treatments, I have a lot of late effects and medical conditions, including asthma and restrictive lung disease, where I only have one lung that operates at full capacity, and due to my cancer and its treatments, my other lung is about 50% smaller and operates at 50% less capacity than the other.

The smokefree indoor air bill allows myself and others to breathe fresh, clean air, whereas allowing smoking bars is extremely problematic for me, and it triggers coughing, wheezing, and difficulty breathing. I need to take care of my lungs, and keep them as healthy as possible, but this would be next to impossible to do if Assembly Bill 211 was enacted. Furthermore, I can smell cigarettes on my clothes and body long after I leave the bar, so I continue to breathe in the cigarette smell. Secondhand smoke is extremely damaging and it can be even more harmful than if I was the one smoking. I do not understand why we would not continue protecting the rights of Wisconsin citizens to clean, fresh air, in favor of smoky, polluted air because **WHEN THEY SMOKE, WE ALL ARE FORCED TO SMOKE.**

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,
Mariah Forster Olson
Mariah@1800@hotmail.com
608-385-9877

CC: State Senator Brad Pfaff and State Representative Jill Billings

June 17, 2025

Naomi Gould
6296 Hwy 144 S.
West Bend, WI 53095

Dear Members of the Assembly Committee on State Affairs,

My name is Naomi and I live in the Town of West Bend. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I enjoy breathing in smoke-free air indoors, not only does it cut down on the toxins being ingested into my system, not to mention the negative impact of second-hand smoke. I would like my children, and their children to have an opportunity to continue to enjoy smoke-free air while indoors.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Naomi
naomianncampbell@yahoo.com
262-758-0381

CC: Sen. Dan Feyen & Rep. Rick Gundrum

June 17, 2025

Sara Richter
1266 Kennedy Drive
Hartford, WI 53027

Dear Members of the Assembly Committee on State Affairs,

My name is Sara Richter, and I live in the city of Hartford. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I have a mother who has survived lung cancer twice because of radon exposure and struggles to breathe on a regular basis. She could not enjoy going to public places if secondhand smoke as in her air.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Sara Richter

Srichter75@hotmail.com

262-573-5609

CC: Senator Kapenga & Representative Piwowarczyk

June 17, 2025

Tammy Brown
1512 Dayton Dr
Janesville, WI 53546

Dear Members of the Assembly Committee on State Affairs,

My name is Tammy Brown, and I live in Janesville. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

Keeping taverns, restaurants and workplaces smoke-free is important to me. I am an 18-month survivor of breast cancer, with a gene mutation that causes all kinds of other cancers. I have to be screened for all of them on an annual basis, and I would really NOT like to add lung cancer to my cocktail of preventative screenings. I enjoy being able to enjoy a night out with my husband for dinner and a few drinks without having to worry about how I'll avoid the dangerous second-hand smoke that will be present in establishments that learn how to circumvent the loopholes that Assembly Bill 211 introduces.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Tammy Brown

CC: Senator Mark Spreitzer & Representative Brienne Brown

June 16, 2025



Testimony of the American Lung Association
Opposing Assembly Bill 211
In front of the Assembly Committee on State Affairs

Chair Swearingen and members of the committee,

The American Lung Association is the oldest voluntary public health organization in the United States. One of our four strategic imperatives is to create a tobacco-free future, and smokefree air laws are vital to that effort.

The American Lung Association strongly opposes Assembly Bill 211, which would undermine Wisconsin's smokefree air law by allowing cigar and pipe tobacco smoking in additional so-called "tobacco bars."

Current law defines a tobacco bar as a tavern that generates 15 percent or more of its annual gross income from the sale of cigars and pipe tobacco. However, it is limited to "tobacco bars" that existed at the time our state's smokefree air law was passed in 2009. As you know, this proposed legislation would allow cigar and pipe smoking in **any** bar that meets this very low 15 percent sales threshold, expanding the universe of places where indoor secondhand smoke exposure could occur in the state. According to some numbers the state provided last session, the average daily revenue of a non-cigar bar in Wisconsin is around \$433/day, so you only have to sell three or four mid-range cigars every day to meet that 15% threshold.

The vague language of this legislation creates unintended consequences that we are concerned about. For example, in Wisconsin, cigarettes wrapped in brown paper are considered a cigar. Under this legislation these would be allowed in tobacco bars. Little cigars can be identical to cigarettes, making it hard for employees and law enforcement officers to distinguish which products are being used by customers.

It is also unclear from the language of this bill who verifies the sales threshold and who will regulate or enforce the new law. Wisconsin has not conducted compliance checks around indoor smoking in public spaces in 13 years because the law is self-enforcing and allows few exceptions for indoor smoking. The proposed change complicates the law, would require training and additional work for law enforcement, at a cost to taxpayers. There are very real questions about whether a few bad actors would take advantage of the confusion created by this new loophole, since there seems to be no enforcement built into the law.

The way this legislation is being discussed is that it would allow local communities to determine whether or not they would want more cigar bars in their municipality. However, local communities would not have this authority, as there would not be a separate tobacco bar license. Under the proposed law, a tavern would only be required to have a tobacco retailer license to operate as a tobacco bar. Tobacco use would be allowed in any bar or tavern that claims to meet the 15% threshold with no mechanisms to enforce it. While retailers submit tobacco retail license applications to their local clerks, the clerk simply forwards the application to the state, and municipalities are preempted by state law from denying these applications, so they would have no choice but to allow these types of businesses in their communities.

You've been lied to about Cigars. By Tom Simmons

Most people think they're as harmful as cigarettes. But when used intentionally? They're a powerful tool for physical and mental health. Here's what 99% of people won't tell you about the benefits of cigars:

1. First, let's clear something up: Cigars are NOT cigarettes.

Cigarettes:

- Engineered for addiction
- Filled with 900+ chemicals
- Inhaled into lungs
- Highly processed tobacco

Cigars:

- Pure, natural tobacco
- No toxic additives
- Not inhaled (held in mouth)
- Traditional craftsmanship

2. The biggest misconception?

You don't inhale cigars like cigarettes. It's about savoring the flavor and aroma, similar to how you appreciate fine wine. The nicotine is absorbed through the mouth's mucous membranes, not the lungs.

3. The hidden benefits of cigars:

- Enhanced focus and clarity
- Increased dopamine
- Improved metabolic function
- Better digestion
- Social bonding catalyst
- Meditation tool
- Stress reduction

4. Science supports this:

Nicotine from cigars binds to acetylcholine receptors, sparking:

- Enhanced cognition
- Improved memory
- Better focus
- Increased creativity

5. Cigars are a powerful social tool.

Think about it...You're forced to:

- Slow down
- Be present
- Engage deeply
- Build real connections

This is why the world's most successful men often bond over cigars. Some of my best business insights come during a cigar session.

6. The ritual aspect is crucial:

- Selecting the cigar
- Proper cutting
- Careful lighting
- Mindful enjoyment

It forces you to slow down and be present. Unfortunately this is a rare commodity in today's fast-paced world.

7. Here's how I use cigars:

- 1-2 times per week maximum
- Always with intention
- Never alone (usually with friends)
- Paired with deep conversation
- As a tool for reflection

8. Best cigars to start with: Quality matters. Don't cheap out.

- Montecristo (#2 is my favorite)
- H. Upmann
- Davidoff
- Oliva
- Joya

9. Important notes:

- Never inhale
- Stay hydrated
- Don't smoke on empty stomach
- Pair with mineral water
- Choose quality over quantity
- Respect the ritual

10. Final thoughts:

Cigars, like any tool, can be misused. But used intentionally? They're one of the most powerful tools for:

- Mental clarity
- Social connection
- Deep reflection
- Masculine optimization

6/17/2025

Christina Valentine
4103 Maher Avenue
Madison, WI 53716

Dear Members of the Assembly Committee on State Affairs,

My name is Christina Valentine, and I live in Madison. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I grew up in a home where a parent smoked indoors. As a child, I had no choice but to breathe that air—day and night. I still remember the thick smell that settled into everything—my clothes, the furniture, even my toys. But it wasn't just unpleasant—it made me sick. I had frequent coughs, headaches, and a constant sense of discomfort. At the time, I didn't know the term "secondhand smoke," but I knew it was affecting me.

We've made incredible progress over the years. Strong smokefree indoor policies have protected countless children like I once was, and they've helped create healthier environments for everyone, especially in public spaces and workplaces.

It's heartbreaking to think we could go backward. We've come so far, and undoing smoke-free protections would only set us back. It would expose a new generation to the same harms I lived through—and that's not progress. That's regression.

I care about smoke-free spaces because I know what it's like to live without them. No one should have to suffer in their own home, workplace, or community space. Access to clean indoor air should be a basic expectation, not an exception.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Christina Valentine
christinacvalentine@gmail.com
814-688-5763

CC: Senator Roys & Representative Stubbs

June 17, 2025

Courtney D'Jock
1651 102nd Ave.
Hammond, WI 54015

Dear Members of the Assembly Committee on State Affairs,

My name is Courtney D'Jock, and I live in Hammond, WI. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars." The current law has been a great success at keeping workings and customers safe. In fact, the indoor air law has been widely supported by 77.5% of Wisconsinites, 18.3% neither support nor oppose, and only 4.2% oppose the clean indoor air law.

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

If we are to allow smoking in bars this will open the state of Wisconsin up to many issues. I am concerned not only for the health and well-being of all but also for the fact that it would be very difficult to enforce. We would need to have new procedures created to track the location and revenue of tobacco bars. This would be very logistically difficult and it would be very expensive for taxpayers.

In addition, I feel that normalizing cigar smoking in our community sends the wrong message to young people and provides tobacco companies with the continued opportunity to aggressively market their deadly and addictive products. Exposing our youth to a perceived "acceptable smoking culture" is not the direction our community should be moving.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Courtney D'Jock
courtneyhaas64@gmail.com
763.843.6043

CC: Senator Rob Stafsholt & Representative Rob Kreibich

June 17, 2025

Katie Flory
413 Mountain Ave
Waukesha, WI 53188

Dear Members of the Assembly Committee on State Affairs,

My name is Katie Flory, and I live in Waukesha, Wisconsin. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

As both a bartender in downtown Waukesha and a musician who regularly performs in bars and restaurants, I recognize the critical importance of maintaining Wisconsin's smokefree air laws. I take pride in coming to work each day knowing that I am breathing clean air, free from the dangers of secondhand smoke.

The establishment where I work is relatively small, with limited staff on duty at any given time. Tasking employees with enforcing exemptions for indoor smoking or distinguishing between legal and illegal smoking products would place an excessive burden on staff. Furthermore, it would require the state to conduct routine compliance checks, necessitating additional training for law enforcement and creating unnecessary costs for taxpayers.

Wisconsin has made significant progress in de-normalizing smoking behavior, and our smokefree air law plays a vital role in setting a positive example for youth and young adults about the risks associated with smoking. Since the law's implementation in 2010, the adult smoking rate in Wisconsin has decreased from 19% to 12% as of 2023. Youth smoking rates have also seen a dramatic decline, with smoking among Wisconsin high school students dropping from 17% in 2009 to just 3% in 2023 (Palmerstein, 2025, *Tobacco Surveillance - CUPH*).

Protecting our smokefree air laws is essential to preserving these public health gains and continuing to move forward.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Katie Flory
florykat98@gmail.com
608-558-4403

CC: Senator Bradley & Representative Allen

6/17/2025

Kyla King
136 S Webster Avenue
Green Bay, WI 54301

Dear Members of the Assembly Committee on State Affairs,

My name is Kyla, and I live in Green Bay. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smoke-free taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smoke-free workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

I'm old enough to remember my parents picking restaurants based on whether they were smoke-free, or in a pinch settling for the non-smoking section. But I knew how our clothes and hair smelled after sitting in one. We were breathing the same air and essentially smoking the same cigarettes by proxy. I knew this didn't add up.

Yet that's the flawed logic that Assembly Bill 211 is asking us to swallow—or should I say inhale—that "cigar bars" can somehow allow public cigar smoking while defying the laws of physics and not encroaching on the right of non-smokers to breathe clean air in a public space.

We're also supposed to believe that this exemption won't be pushed to the limits by bar owners, and that compliance will be strictly enforced.

We know that smoking is the single most preventable cause of cancer and heart disease. We know that preventable cancer and heart disease drive up healthcare costs and insurance costs, and that we all share that financial burden.

Whatever the bill's true intention, it's obvious the result will be creating a small benefit for a few, while passing on the burdens of that benefit to the rest of us.

We mustn't turn back the clock on one of the simplest and most effective public health measures ever implemented for such illogical reasons.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smoke-free.

Sincerely,

Kyla King
kyla.danae@icloud.com
920-562-5365

CC: Jamie Wall & Amaad Rivera-Wagner

6/17/2025

Lacey O'Rourke
303 N Hamilton St.
Madison, WI 53703

Dear Members of the Assembly Committee on State Affairs,

My name is Lacey, and I live in Madison, WI. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

Everyone deserves the opportunity to be in an environment that doesn't harm their health. Creating smoke-free spaces isn't just about comfort, it's about protecting people from preventable harm. When we ensure clean indoor air, we give people the chance to live healthier lives without the burden of secondhand smoke.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Lacey O'Rourke
Lacey.orourke@cancer.org
920-570-1899

CC: Senator Roys & Representative Hong

June 17, 2025

Linda DeGarmo
S958 Schultz Ln
Chaseburg, WI 54621

Dear Members of the Assembly Committee on State Affairs,

My name is Linda DeGarmo, and I live in Chaseburg. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill. Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

15 years ago, when Wisconsin went smokefree I owned a small bar and restaurant in Chaseburg. I hated selling cigarettes to our customers, but when you own a bar in Wisconsin, you almost have to. My dad started smoking when he was 13 years, and he smoked for 70 years. He was diagnosed with skin cancer of his lip and had part of it removed. He also lost his sense of taste. My brother-in-law lost a lung to cancer from smoking, so, I didn't like selling cigarettes.

When the time came for Vernon County to pass the smokefree law, I was asked to be an advocate for it. That day, we decided to discontinue selling cigarettes. Not a very popular thing in a small town, but my husband and I thought we should lead by example and just stand the loss of business. We did lose business for a while, but after people started coming in to eat with their families and being able to go home without smelling like smoke, our business came back. Please don't go back to the days when families have to decide to go to a small bar/restaurant because of smoking.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely

Linda DeGarmo
grannydegarmo@yahoo.com
608-769-1919

CC: Senator Brad Pfaff & Representative Tara Johnson

6/17/2025

LuAnn Williams Belter
New Berlin, WI

Dear Members of the Assembly Committee on State Affairs,

My name is LuAnn Williams Belter, and I live in New Berlin. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

As a breast cancer survivor, I continue to deal with the consequences of emotional stress, medical treatment, and my ultimate cure. This means I am very aware of what I am ingesting and what my environmental exposure is. That's why learning Wisconsin could weaken its smoke free air law has me deeply concerned for myself and others.

To enjoy public spaces and not be concerned about the thousands of chemicals in cigarettes, including those known to cause cancer, means that I will experience emotional stress and potential physical harm. After being cancer free for over 5 years I do not want that for myself, let alone my family and community.

I support freedom of choice but not when the consequence infringes on the rights of others. Weakening the smoke free air law will do exactly that. Breathing clean air is an inherent right for all, requiring protection and enforcement.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

LuAnn Williams Belter

June 17, 2025

Mariah Forster Olson
2272 Coulee Drive
La Crosse, WI 54601

Dear Members of the Assembly Committee on State Affairs,

My name is Mariah Forster Olson, and I live in La Crosse. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

In 1980 at just one year old, I was diagnosed with neuroblastoma, a type of childhood cancer that consists of a solid tumor. My tumor grew out of several levels of my spine, wrapped around part of my heart, pushing against my trachea and lungs and occupying almost the entire right side of my chest. I had two surgeries, multiple radiation treatments, and a two year "experimental" chemotherapy protocol. As a result of my treatments, I have a lot of late effects and medical conditions, including asthma and restrictive lung disease, where I only have one lung that operates at full capacity, and due to my cancer and its treatments, my other lung is about 50% smaller and operates at 50% less capacity than the other.

The smokefree indoor air bill allows myself and others to breathe fresh, clean air, whereas allowing smoking bars is extremely problematic for me, and it triggers coughing, wheezing, and difficulty breathing. I need to take care of my lungs, and keep them as healthy as possible, but this would be next to impossible to do if Assembly Bill 211 was enacted. Furthermore, I can smell cigarettes on my clothes and body long after I leave the bar, so I continue to breathe in the cigarette smell. Secondhand smoke is extremely damaging and it can be even more harmful than if I was the one smoking. I do not understand why we would not continue protecting the rights of Wisconsin citizens to clean, fresh air, in favor of smoky, polluted air because **WHEN THEY SMOKE, WE ALL ARE FORCED TO SMOKE.**

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,
Mariah Forster Olson
Mariah@1800@hotmail.com
608-385-9877

CC: State Senator Brad Pfaff and State Representative Jill Billings

June 17, 2025

Naomi Gould
6296 Hwy 144 S.
West Bend, WI 53095

Dear Members of the Assembly Committee on State Affairs,

My name is Naomi and I live in the Town of West Bend. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I enjoy breathing in smoke-free air indoors, not only does it cut down on the toxins being ingested into my system, not to mention the negative impact of second-hand smoke. I would like my children, and their children to have an opportunity to continue to enjoy smoke-free air while indoors.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Naomi
naomianncampbell@yahoo.com
262-758-0381

CC: Sen. Dan Feyen & Rep. Rick Gundrum

June 17, 2025

Sara Richter
1266 Kennedy Drive
Hartford, WI 53027

Dear Members of the Assembly Committee on State Affairs,

My name is Sara Richter, and I live in the city of Hartford. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

I have a mother who has survived lung cancer twice because of radon exposure and struggles to breathe on a regular basis. She could not enjoy going to public places if secondhand smoke as in her air.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Sara Richter

S Richter75@hotmail.com

262-573-5609

CC: Senator Kapenga & Representative Piwowarczyk

June 17, 2025

Tammy Brown
1512 Dayton Dr
Janesville, WI 53546

Dear Members of the Assembly Committee on State Affairs,

My name is Tammy Brown, and I live in Janesville. I am writing to ask you to vote no on Assembly Bill 211 - the tobacco bar bill.

Wisconsin is about to celebrate 15 years of enjoying 100% smokefree taverns, restaurants, and workplaces. Unfortunately, there is proposed legislation that would significantly undermine our state's comprehensive smokefree workplace protections. Assembly Bill 211 would weaken Wisconsin's smokefree air law by allowing cigar, brown cigarette, and pipe tobacco smoking in so-called "tobacco bars."

Allowing more tobacco bars creates a significant loophole in indoor smoking protections and weakens decades of progress in preventing exposure to secondhand smoke and reducing tobacco use.

Keeping taverns, restaurants and workplaces smoke-free is important to me. I am an 18-month survivor of breast cancer, with a gene mutation that causes all kinds of other cancers. I have to be screened for all of them on an annual basis, and I would really NOT like to add lung cancer to my cocktail of preventative screenings. I enjoy being able to enjoy a night out with my husband for dinner and a few drinks without having to worry about how I'll avoid the dangerous second-hand smoke that will be present in establishments that learn how to circumvent the loopholes that Assembly Bill 211 introduces.

I'm asking you to vote NO on Assembly Bill 211 to keep Wisconsin 100% smokefree.

Sincerely,

Tammy Brown

CC: Senator Mark Spreitzer & Representative Brienne Brown

June 16, 2025



Testimony of the American Lung Association
Opposing Assembly Bill 211
In front of the Assembly Committee on State Affairs

Chair Swearingen and members of the committee,

The American Lung Association is the oldest voluntary public health organization in the United States. One of our four strategic imperatives is to create a tobacco-free future, and smokefree air laws are vital to that effort.

The American Lung Association strongly opposes Assembly Bill 211, which would undermine Wisconsin's smokefree air law by allowing cigar and pipe tobacco smoking in additional so-called "tobacco bars."

Current law defines a tobacco bar as a tavern that generates 15 percent or more of its annual gross income from the sale of cigars and pipe tobacco. However, it is limited to "tobacco bars" that existed at the time our state's smokefree air law was passed in 2009. As you know, this proposed legislation would allow cigar and pipe smoking in **any** bar that meets this very low 15 percent sales threshold, expanding the universe of places where indoor secondhand smoke exposure could occur in the state. According to some numbers the state provided last session, the average daily revenue of a non-cigar bar in Wisconsin is around \$433/day, so you only have to sell three or four mid-range cigars every day to meet that 15% threshold.

The vague language of this legislation creates unintended consequences that we are concerned about. For example, in Wisconsin, cigarettes wrapped in brown paper are considered a cigar. Under this legislation these would be allowed in tobacco bars. Little cigars can be identical to cigarettes, making it hard for employees and law enforcement officers to distinguish which products are being used by customers.

It is also unclear from the language of this bill who verifies the sales threshold and who will regulate or enforce the new law. Wisconsin has not conducted compliance checks around indoor smoking in public spaces in 13 years because the law is self-enforcing and allows few exceptions for indoor smoking. The proposed change complicates the law, would require training and additional work for law enforcement, at a cost to taxpayers. There are very real questions about whether a few bad actors would take advantage of the confusion created by this new loophole, since there seems to be no enforcement built into the law.

The way this legislation is being discussed is that it would allow local communities to determine whether or not they would want more cigar bars in their municipality. However, local communities would not have this authority, as there would not be a separate tobacco bar license. Under the proposed law, a tavern would only be required to have a tobacco retailer license to operate as a tobacco bar. Tobacco use would be allowed in any bar or tavern that claims to meet the 15% threshold with no mechanisms to enforce it. While retailers submit tobacco retail license applications to their local clerks, the clerk simply forwards the application to the state, and municipalities are preempted by state law from denying these applications, so they would have no choice but to allow these types of businesses in their communities.