

**BOURBON COUNTY FISCAL COURT
COMMONWEALTH OF KENTUCKY
ORDINANCE NO. 08-13-26-02**

**AN ORDINANCE RELATING TO THE PROTECTION OF THE PUBLIC HEALTH
AND WELFARE BY REGULATING SMOKING OF TOBACCO, ALTERNATIVE
NICOTINE PRODUCTS, AND VAPOR PRODUCTS (A/K/A ELECTRONIC TOBACCO
PRODUCTS) IN BUILDINGS OPEN TO THE PUBLIC, PUBLIC PLACES, AND
PLACES OF EMPLOYMENT WITHIN BOURBON COUNTY, KENTUCKY.**

SECTION 1: FINDINGS AND INTENT

WHEREAS, the Bourbon County Fiscal Court finds that secondhand smoke is a major contributor to indoor air pollution, presents a clear danger to health, and constitutes a public nuisance; and

WHEREAS, the Bourbon County Fiscal Court deems it to be in the best interest of the citizens of Bourbon County, Kentucky, to protect employees and the public from the hazards of secondhand smoke, alternative nicotine products, and vapor products;

The Bourbon County Fiscal Court finds that:

A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution. Breathing secondhand smoke is a cause of disease in healthy nonsmokers. These diseases include heart disease, stroke, respiratory disease and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

B. The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS). "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

C. A study of hospital admissions for acute myocardial infarction in Helena, Montana before, during, and after a local law eliminating smoking in workplaces and public places was in

effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study," *British Medical Journal* 328: 977- 980, April 24, 2004.)

D. Secondhand smoke is particularly hazardous to the elderly, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal EPA). "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter. 1997.)

E. The Americans With Disabilities Act, which mandates access to public places and workplaces for persons with disabilities, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9.)

F. The U.S. Surgeon General has issued a comprehensive scientific report which concludes that there is no risk-free level of exposure to secondhand smoke. (Department of Health and Human Services. *New Surgeon General's Report Focuses on the Effects of Secondhand Smoke*. Public Health Service, Centers for Disease Control, 2006.)

G. The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor air facts no. 5: environmental tobacco smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989.)

H. The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen. "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" *British Medical Journal*, 328: 980-983, April 24, 2004.)

I. A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 2550% higher risk of heart attack and higher rates

of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chryschoou, C.; Skourmas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARD102000 case-control study," Tobacco Control 11 (3): 220-225. September 2002.)

J. Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance

rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

K. Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A.; Smith, L., The Effect of Ordinances Requiring Smoke-Free Restaurants on Restaurant Sales in the United States. American Journal of Public Health, 87:1687- 1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic. September 2001.)

L. Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to business health 15(8), Supplement A: 6-9, August 1997.)

M. The smoking of tobacco is a form of air pollution, a danger to health and a material public nuisance.

N. The U.S. Surgeon General has issued a comprehensive scientific report which concludes that there is no risk-free level of exposure to secondhand smoke. (Department of Health and Human Services. New Surgeon General's Report Focuses on the Effects of Secondhand Smoke. Public Health Service, Centers for Disease Control, 2006.)

Accordingly, the Bourbon County Fiscal Court adopts the above as justification for this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOURBON, COMMONWEALTH OF KENTUCKY:

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following terms are defined:

- **"Alternative Nicotine Product"** means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- **"Building"** means any structure open to the public that is enclosed on all sides and top from weather, whether or not windows and doors are open.
- **"Business"** means any sole proprietorship, partnership, joint venture, corporation, or other entity formed for-profit or not-for-profit, including retail establishments, professional offices, and services.
- **"Employee"** means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or who volunteers services for a non-profit entity.
- **"Employer"** means any person, business, partnership, association, or corporation that employs the services of one or more individuals.
- **"Enclosed Area"** means all space between a floor and ceiling that is bounded on at least two sides walls or windows (exclusive of doorways), which extend from the floor to the ceiling. A wall includes a any retractable divider, garage door or other physical barrier, whether temporary or permanent, and whether or not containing openings of any kind.
- **"Place of Employment"** means an enclosed area under the control of a public or private employer, including but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, classrooms, cafeterias, and hallways.
- **"Private club"** means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- **"Public Place"** means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, retail stores, restaurants, bars, government buildings, healthcare facilities, theaters, and common areas of multi-unit residential structures.
- **"Service Line"** means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind.
- **"Smoking"** means inhaling, exhaling, burning, or carrying any lighted or heated electronic cigarette, cigarette, cigar, pipe, or any other lighted or heated tobacco or plant product, intended for inhalation, whether natural or synthetic, including marijuana/cannabis, in any manner or any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- **"Vapor Product" (or Electronic Tobacco Product)** means any non-combustible product that employs a heating element, battery, or electronic circuit, regardless of shape

or size, that can be used to deliver vaporized nicotine or other substances to the person inhaling from the device.

SECTION 3: PROHIBITION OF SMOKING IN PUBLIC PLACES

Smoking shall be prohibited in all enclosed public places within the areas of Bourbon County, Kentucky, including but not limited to:

1. All retail businesses, financial institutions, and professional offices.
2. All restaurants and bars (including bar areas within restaurants).
3. All healthcare, medical, dental, and veterinary offices or facilities.
4. All lobbies, hallways, and indoor common areas of hotels, motels, and multi-unit commercial or residential buildings.
5. All public transit vehicles, stations, and shelters.
6. All polling places.

SECTION 4: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

1. Smoking shall be prohibited in all enclosed places of employment within Bourbon County. This includes, but is not limited to, private offices, common work areas, conference rooms, employee lounges, cafeterias, hallways, stairs, elevators, restrooms, and customer service lines.
2. This prohibition shall be communicated to all current employees by the effective date of this Ordinance, and to all prospective employees upon application for employment.

SECTION 5: PROHIBITION OF SMOKING IN OUTDOOR ARENAS AND STADIUMS

Smoking is prohibited in all outdoor service lines and in the seating areas of all outdoor arenas, stadiums, and amphitheaters within Bourbon County, Kentucky.

SECTION 6: WHERE SMOKING IS NOT REGULATED

This Ordinance shall not apply to:

1. **Private residences**, except when used as a licensed childcare, adult daycare, or healthcare facility.
2. **Private clubs** that have no employees and are operated solely by and for their members, provided that the public is not invited or admitted.
3. **Unenclosed outdoor areas** of places of employment, except for designated outdoor seating or service lines as specified in Section 5.

SECTION 7: DECLARATION OF ESTABLISHMENT AS SMOKE-FREE

Nothing in this Ordinance shall prevent an owner, operator, manager, or other person in control of any establishment or outdoor area from declaring the entire establishment, facility, or property completely smoke-free.

SECTION 8: EXEMPTION FOR CIGAR BARS

1. **Definition:** A "Cigar Bar" is a business establishment that:
 - Holds a valid retail drink license for on-premises alcohol consumption.
 - Generates at least **twenty-five percent (25%)** of its gross annual revenue from the on-site sale of cigars, pipe tobacco, related accessories, and/or the rental of humidors.
 - Does not knowingly permit entrance, employment, or service to any individual under the age of **twenty-one (21)**.
 - Prohibits the use of cigarettes, electronic cigarettes, vapor products, or any other inhaled substance other than cigars and pipe tobacco.
2. **Physical Separation & Air Flow:** A cigar bar that shares a physical wall or common, enclosed air space with any other structure or business must be constructed and ventilated in a manner that ensures smoke from the cigar bar does not pass into the interior or enclosed air spaces of adjoining structures.
3. **Delivery Protection:** The owner of the cigar bar must maintain a designated smoke-free space for the delivery of supplies, mail, and other business items by non-employees.
4. **Permitting:** Any qualifying cigar bar operating within Bourbon County must apply for and obtain an annual Cigar Bar Operating Permit from the Bourbon County Fiscal Court, subject to annual facilities inspections.

SECTION 9: POSTING OF SIGNS AND REMOVAL OF ASHTRAYS

1. **"No Smoking"** signs (or the international "No Smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at every entrance to a building where smoking is prohibited by this Ordinance.
2. All ashtrays shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person having control of the area.

SECTION 10: ENFORCEMENT

1. Code Enforcement Officers and local law enforcement officers are authorized to enforce the provisions of this Ordinance.
2. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the Paris-Bourbon County Code Enforcement.
3. An owner, manager, operator, or employer of an establishment regulated by this Ordinance shall direct a person who is smoking in violation of this Ordinance to extinguish the product. If the person refuses to comply, the owner, manager, or operator shall refuse service and direct the person to leave the premises.

SECTION 11: VIOLATIONS AND PENALTIES

1. A person who smokes in an area where smoking is prohibited by this Ordinance shall be guilty of a violation, punishable by a fine not exceeding **\$50.00**.
2. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance (including failure to post signs or remove ashtrays) shall be guilty of a violation, punishable by:
 - o A fine not exceeding **\$100.00** for a first violation.
 - o A fine not exceeding **\$250.00** for a second violation within one (1) year.
 - o A fine not exceeding **\$500.00** for each additional violation within one (1) year.
3. Each day on which a violation of this Ordinance occurs shall be considered a separate offense.

SECTION 12: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Ordinance, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 13: EFFECTIVE DATE

Effective Date: This Ordinance shall be effective the 1st day of November, 2026.

Given First Reading on the 13th day of August, 2026

Given the Second Reading on the 27th day of August, 2026

Adopted by the Fiscal Court of Bourbon County, Kentucky, on the 27 day of August, 2026.

BOURBON COUNTY FISCAL COURT



MICHAEL R. WILLIAMS

BOURBON COUNTY JUDGE/EXECUTIVE

ATTEST:



CYNTHIA WILSON

BOURBON COUNTY CLERK

PREPARED BY:

Bourbon County Attorney's Office

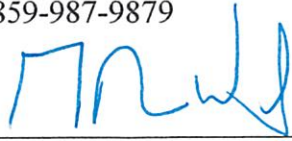
Bourbon County Courthouse

301 Main Street, Suite 10

Paris, KY 40361

Telephone: 859-987-9879

By: _____



G. DAVIS WILSON

BOURBON COUNTY ATTORNEY