



Frequently Asked Questions about the Bourbon County Smoke-Free Ordinance

What is the Bourbon County Smoke-Free Air Ordinance?

The Bourbon County Smoke-Free Air Ordinance prohibits smoking¹ and vaping in enclosed² indoor public places and enclosed areas of employment throughout Bourbon County.

The ordinance applies to cigarettes, cigars, pipes, electronic cigarettes, and other electronic smoking devices, as well as other tobacco or plant products—natural or synthetic—that are smoked, heated, aerosolized, or vaporized for inhalation. This includes marijuana/cannabis and products such as Delta-8 or Delta-9 when they are smoked or vaped.

Examples of enclosed indoor public places and areas of employment include restaurants, bars, offices, common work areas, meeting rooms, employee lounges, restrooms, and hallways. The ordinance defines an enclosed area as space between a floor and ceiling that is bounded on at least two sides by walls or windows that extend from floor to ceiling. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. Under this definition, certain patios and dining areas, as well as areas of auto repair shops and service centers, are considered enclosed and must be smoke- and vape-free.

When does the ordinance take effect?

The Bourbon County Fiscal Court passed the Smoke- & Vape-Free Ordinance on August 27, 2026. The ordinance takes effect on **November 1, 2026**. Beginning on that date, workplaces and public places covered by the ordinance must comply with its requirements.

What businesses must prohibit indoor smoking?

All public buildings and workplaces in Bourbon County must now prohibit smoking, including the use of electronic cigarettes. The new law prohibits smoking and vaping in any enclosed public place where the public is invited or permitted, as well as any place of employment under the control of a public or private employer such as private offices,

¹ See Section 2: Definitions of the ordinance for the full definition of “smoking

² See Section 2: Definitions of the ordinance for the full definition of “enclosed” areas

hotels, factories, churches, bars, restaurants, pool/bingo halls, retail stores, public transit vehicles, and more.

Does the ordinance prohibit smoking outdoors?

Smoking is prohibited in certain outdoor areas, including outdoor service lines³ and seating areas of outdoor arenas, stadiums, and amphitheaters within Bourbon County.

What businesses are exempted from the law?

The ordinance does not apply to unenclosed outdoor areas of employment (except for designated outdoor seating or service lines) as well as private residences (except when they are used as a licensed childcare, adult daycare, or healthcare facility).

Private clubs are also exempt from the ordinance if they meet all of the following requirements:

- The owner, lessee, or occupant of a building or portion thereof that is used exclusively for private club purposes at all times;
- Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain;
- 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;
- Has established bylaws and/or a constitution to govern its activities;
- Has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

Cigar bars are exempt from the ordinance if they meet all of the following requirements:

- Holds a valid retail drink license for on-premises alcohol consumption;
- Generates at least 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 21;
- Prohibits the use of cigarettes, electronic cigarettes, vapor products, or any other inhaled substance other than cigars and pipe tobacco;
- Cigar bars that share a physical wall or common enclosed air space with any other structure or business must be constructed and ventilated in a manner that ensures

³ See Section 2: Definitions of the ordinance for the full definition of “service line.”

smoke from the cigar bar does not pass into the interior or enclosed air spaces of adjoining structures;

- Must maintain a designated smoke-free space for the delivery of supplies, mail, and other business items by non-employees;
- Must apply for and obtain an annual Cigar Bar Operating Permit from the Bourbon County Fiscal Court, subject to annual facilities inspections.

Does the ordinance prohibit smoking in a private residence or car?

No. The ordinance does not prohibit smoking in private residences or private vehicles. However, a private residence is subject to the ordinance when it is used as a licensed childcare, adult daycare, or healthcare facility.

Do businesses have to post “No Smoking” signs?

Yes. All businesses covered by the ordinance are required to post “No Smoking” signs. The Bourbon County Health Department provides these signs to businesses at no cost. In addition, businesses can download and print the signs themselves by visiting the Health Department website at bourboncohd.org/smoke-free. Signs must be clearly posted at every entrance to a building where smoking is prohibited. Signs must say “No Smoking” or display the international “No Smoking” symbol (a burning cigarette inside a red circle with a red line across it).

Are businesses required to remove ashtrays from inside buildings?

Yes, all businesses covered by the law need to remove all ashtrays from any area where smoking is prohibited.

Who will enforce the ordinance?

Law enforcement agencies and code enforcement officials with jurisdiction in Bourbon County have authority to enforce the ordinance. Enforcement is **complaint-driven**, meaning possible violations will be investigated after a complaint is received. To submit a complaint, call **859-220-0836** or visit bourboncohd.org/smoke-free.

What should I do about an employee who refuses to stop smoking or vaping inside the building?

Take the same actions you would normally take if the employee violated other work rules or policies.

What should I do if a customer, contractor, vendor, or visitor is smoking or vaping in my establishment?

You or your staff should politely remind the person about the law and explain that he or she must step outside to smoke or vape. Train your staff about what to say to customers, for example, “The law no longer allows smoking or vaping inside here. I’m sorry, but you’ll have to step outside to smoke/vape.” “The county’s new smoke-free law prohibits smoking and vaping indoors. Thank you for your cooperation.” If customers refuse to comply, use common sense. If necessary, use your normal protocol for removing a disruptive customer from your premises. You may contact the Bourbon County Health Department to report the customer at **859-220-0836** or by visiting bourboncohd.org/smoke-free.

What are the penalties for violating the ordinance?**For individuals:**

A person who smokes in an area where smoking is prohibited may be fined **up to \$50**.

For businesses and workplaces:

A person who owns, manages, or operates a public place or place of employment who does not follow the ordinance may face the following fines:

- **First violation:** Up to \$100
- **Second violation within one (1) year:** Up to \$250
- **Additional violations within one (1) year:** Up to \$500 per violation

Violations may include failing to post required “No Smoking” signs, failing to remove ashtrays, or otherwise not meeting the ordinance requirements. Each day a violation continues may be considered a separate offense.

What if I have questions regarding my building or business?

You can address specific questions to the Bourbon County Health Department between 8 a.m. and 4:30 p.m. You can also submit questions online at www.bourboncohd.org.

What resources are available for those who want to quit smoking?

For resources to quit smoking, contact the Bourbon County Health Department at 859-987-1915 or visit <https://bourboncohd.org/tobacco-prevention-cessation/> for a complete list of available resources.