

**STATE OF NEW JERSEY**  
**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE**  
**(Pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6)**

**INSTRUCTIONS**

This form is to be used to apply for the exemption of certain cigar bars and cigar lounges from the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq. Applicants must submit Section 1 and 2. Section 1 is to be completed by the applicant. Section 2 must be completed by a New Jersey licensed Certified Public Accountant. If the proposed exempt cigar bar or cigar lounge is located within another establishment at which smoking is prohibited pursuant to N.J.S.A. 26:3D-55 et seq., the applicant must also submit Section 3. Section 3 must be completed by New Jersey Registered Architect or a New Jersey Licensed Professional Engineer. The applicant must submit the completed forms to the local health agency with jurisdiction over the municipality in which the establishment is located. The local health agency will not process an incomplete application.

Following are definitions of words and terms used in Section 1 pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6:

**“Backstream”** means recirculate, as that term is defined in the mechanical subcode of the New Jersey State Uniform Construction Code at N.J.A.C. 5:23-3.20.

**“Cigar bar”** means any bar, or area within a bar, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar bar that is in an area within a bar shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the bar so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**“Cigar lounge”** means any establishment, or area within an establishment, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar lounge that is in an area within an establishment shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**“Establishment”** means a place of business, commerce or other service-related activity, whether public or privately owned or operated on a for-profit or nonprofit basis.

**“Tobacco product”** shall have the meaning provided in the Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., particularly N.J.S.A. 54:40B-2.

The Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., defines “tobacco product” at N.J.S.A. 54:40B-2 as follows:

**“Tobacco product”** means any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and snuff, but does not include cigarette as defined in section 102 of the “Cigarette Tax Act,” P.L.1948, c.65 (C.54:40A-1 et seq.);

The “Cigarette Tax Act,” N.J.S.A. 54:40A-1 et seq., defines “cigarette” at N.J.S.A. 54:40A-2 as follows:

**“Cigarette”** means any roll for smoking made wholly or in part of tobacco, or any other substance or substances other than tobacco, irrespective of size, shape or flavoring, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco. A “single cigarette” is a cigarette sold or offered for sale individually.

N.J.S.A. 26:3D-59a exempts from the provisions of the New Jersey Smoke-Free Air Act the following:

any cigar bar or cigar lounge that, in the calendar year ending December 31, 2004, generated 15% or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines, and is registered with the local board of health in the municipality in which the bar or lounge is located. The registration shall remain in effect for one year and shall be renewable only if: (1) in the preceding calendar year, the cigar bar or lounge generated 15% or more if its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and (2) the cigar bar or cigar lounge has not expanded its size or changed its location since December 31, 2004;

\* \* \*

**STATE OF NEW JERSEY**  
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**SECTION 1**  
**Affidavit of Business Operator**

1. This application is to register an establishment as a (check one):

<input type="checkbox"/> Cigar Bar <input type="checkbox"/> Cigar Lounge
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2. Business Name of Proposed Exempt Cigar Bar or Cigar Lounge (hereinafter referred to as the "Business"):

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3. Trade Name of Business:

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4. Street Address of Business:

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City

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State

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Zip Code

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5. Mailing Address of Business (if different from address provided in Question 4 above):

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City

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State

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Zip Code

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6. Telephone Number of Business:

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7. This application is being made by the (select one):

<input type="checkbox"/> Property Owner as Operator of the Business <input type="checkbox"/> Property Lessee as Operator of the Business
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8. Name of Business Operator:

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9. Street Address of Business Operator:

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City

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State

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Zip Code

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10. Mailing Address of Business Operator (if different from address provided in Question 9 above):

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City

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State

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Zip Code

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11. Telephone Number of Business Operator  
(for Routine Contact):

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12. Telephone Number of Business Operator \*  
(for Emergency or After Business Hours Contact)

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*\*Cannot be the same as Telephone Number of Proposed Exempt Cigar Bar or Cigar Lounge.*

**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE  
(Continued)**

**SECTION 1  
Affidavit of Business Operator**

13. Name of Registered Agent for Business Operator (for Service of Process):

14. Mailing Address of Registered Agent for Business Operator:

City

State

Zip Code

15. In-Person Service Address of Registered Agent for Business Operator:

City

State

Zip Code

16. I, \_\_\_\_\_, am the \_\_\_\_\_ of the Business  
*(print name)* *(title)*

that is the Operator of the proposed exempt cigar bar or cigar lounge that is the subject of this application for registration.

17. Check one:

I attach hereto true copies of the Operator's deed(s) to the premises at which the proposed exempt cigar bar or cigar lounge is located as of December 31, 2004 to the date of this application.

-Or-

I attach hereto true copies of the Operator's lease(s) to the premises at which the proposed exempt cigar bar or cigar lounge is located as of December 31, 2004 to the date of this application.

18. I attach hereto true copies of the certificates of occupancy for the premises at which the proposed exempt cigar bar or cigar lounge is located as of December 31, 2004 to the date of this application.

19. In the calendar year ending December 31, 2004, and for each succeeding calendar year ending December 31 of the year preceding the date of this application, the proposed exempt cigar bar or cigar lounge generated 15 percent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines.

20. The proposed exempt cigar bar or cigar lounge has not expanded its size since December 31, 2004.

21. The proposed exempt cigar bar or cigar lounge has not changed its location since December 31, 2004.

22. I am aware that the information contained in this application is subject to reporting to and auditing by the Division of Taxation of the New Jersey Department of the Treasury.

23. Check one:

The proposed exempt cigar bar or cigar lounge is a freestanding establishment that is not located in whole or in part within another establishment at which smoking is prohibited pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6.  
*(If this option is selected, the applicant needs to submit only Section 2, in addition to Section 1.)*

The proposed exempt cigar bar or cigar lounge is located within another establishment at which smoking is prohibited pursuant to N.J.S.A. 26:3D-55 et seq.  
*(If this option is selected, applicant needs to submit both Sections 2 and 3, in addition to Section 1.)*

**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE  
(Continued)**

**SECTION 1  
Affidavit of Business Operator**

24. Signature of Authorized Representative  
*(For Corporations, Signature of Chairman of the Board, President or Vice-President)*  
*(For Limited Partnerships, Signature of General Partner)*

25. Date

26. Title of Authorized Representative

State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public of the State of New Jersey**

MY COMMISSION EXPIRES: \_\_\_\_\_.

By \_\_\_\_\_

**STATE OF NEW JERSEY**  
**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE**  
(Pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6)

**SECTION 2**

**Affidavit of New Jersey Licensed Certified Public Accountant in Support of Application for Registration of Exempt Cigar Bar or Cigar Lounge pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6**

**INSTRUCTIONS FOR SECTION 2**

This form is to be submitted with the applicant's affidavit (Section 1) in support of an application for the exemption of certain cigar bars and cigar lounges from the New Jersey Smoke-Free Air Act pursuant to N.J.S.A. 26:3D-55 et seq.

Following are definitions of words and terms used in this Part pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6:

**"Cigar bar"** means any bar, or area within a bar, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar bar that is in an area within a bar shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the bar so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**"Cigar lounge"** means any establishment, or area within an establishment, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar lounge that is in an area within an establishment shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**"Establishment"** means a place of business, commerce or other service-related activity, whether public or privately owned or operated on a for-profit or nonprofit basis.

**"Tobacco product"** shall have the meaning provided in the Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., particularly N.J.S.A. 54:40B-2.

The Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., defines "tobacco products" at N.J.S.A. 54:40B-2 as follows:

**"Tobacco product"** means any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and snuff, but does not include cigarette as defined in section 102 of the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.);

The "Cigarette Tax Act," N.J.S.A. 54:40A-1 et seq., defines "cigarette" at N.J.S.A. 54:40A-2 as follows:

**"Cigarette"** means any roll for smoking made wholly or in part of tobacco, or any other substance or substances other than tobacco, irrespective of size, shape or flavoring, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco. A "single cigarette" is a cigarette sold or offered for sale individually.

N.J.S.A. 26:3D-59 exempts from the provisions of the New Jersey Smoke-Free Air Act the following (italicized words are defined above):

"any *cigar bar* or *cigar lounge* that, in the calendar year ending December 31, 2004, generated 15% or more of its total annual gross income from the on-site sale of *tobacco products* and the rental of on-site humidors, not including any sales from vending machines, and is registered with the local board of health in the municipality in which the bar or lounge is located. The registration shall remain in effect for one year and shall be renewable only if:

(1) in the preceding calendar year, the *cigar bar* or *lounge* generated 15% or more if its total annual gross income from the on-site sale of *tobacco products* and the rental of on-site humidors, and

(2) the *cigar bar* or *cigar lounge* has not expanded its size or changed its location since December 31, 2004"

**STATE OF NEW JERSEY**  
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(Pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6)

**SECTION 2**

**Affidavit of New Jersey Licensed Certified Public Accountant in Support of Application for Registration of Exempt Cigar Bar or Cigar Lounge pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6**

1. This application is to register an establishment as a (check one):

<input type="checkbox"/> Cigar Bar	<input type="checkbox"/> Cigar Lounge
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2. Business Name of Proposed Exempt Cigar Bar or Cigar Lounge:

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3. I am a New Jersey licensed certified public accountant.

4. In the calendar year ending December 31, 2004, and for each succeeding calendar year ending December 31 of the year preceding the date of this application, the proposed exempt *cigar bar* or *cigar lounge* generated 15 percent or more of its total annual gross income from the on-site sale of *tobacco products* and the rental of on-site humidors, not including any sales from vending machines. (See definitions of italicized terms in Instructions.)

5. I am aware that the information contained in this affidavit is subject to reporting to and auditing by the Division of Taxation of the New Jersey Department of the Treasury.

6. Name of Certified Public Accountant

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7. Title

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8. Signature

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9. Date

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State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Notary Public of the State of New Jersey**

MY COMMISSION EXPIRES: \_\_\_\_\_.

By \_\_\_\_\_

**STATE OF NEW JERSEY**  
**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE**  
(Pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6)

**SECTION 3**

**Affidavit of New Jersey Registered Architect or Licensed Professional Engineer in Support of Application for Registration of Exempt Cigar Bar or Cigar Lounge pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6**

**INSTRUCTIONS FOR SECTION 3**

This form is to be submitted with the applicant's affidavit (Section 1) in support of an application for the exemption of certain cigar bars and cigar lounges from the New Jersey Smoke-Free Air Act pursuant to N.J.S.A. 26:3D-55 et seq., if the proposed exempt cigar bar or cigar lounge is located within another establishment at which smoking is prohibited pursuant to N.J.S.A. 26:3D-55 et seq. This form must be completed by a New Jersey Registered Architect or a New Jersey Licensed Professional Engineer.

Following are definitions of words and terms used in this Part pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6:

**"Backstream"** means recirculate, as that term is defined in the mechanical subcode of the New Jersey State Uniform Construction Code at N.J.A.C. 5:23-3.20.

**"Cigar bar"** means any bar, or area within a bar, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar bar that is in an area within a bar shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the bar so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**"Cigar lounge"** means any establishment, or area within an establishment, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere; except that a cigar lounge that is in an area within an establishment shall be an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not backstreamed into the nonsmoking areas.

**"Establishment"** means a place of business, commerce or other service-related activity, whether public or privately owned or operated on a for-profit or nonprofit basis.

**"Tobacco product"** shall have the meaning provided in the Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., particularly N.J.S.A. 54:40B-2.

The Tobacco Products Wholesale Sales and Use Tax Act, N.J.S.A. 54:40B-1 et seq., defines "tobacco product" at N.J.S.A. 54:40B-2 as follows:

**"Tobacco product"** means any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and snuff, but does not include cigarette as defined in section 102 of the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.);

The "Cigarette Tax Act," N.J.S.A. 54:40A-1 et seq., defines "cigarette" at N.J.S.A. 54:40A-2 as follows:

**"Cigarette"** means any roll for smoking made wholly or in part of tobacco, or any other substance or substances other than tobacco, irrespective of size, shape or flavoring, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco. A "single cigarette" is a cigarette sold or offered for sale individually.

N.J.S.A. 26:3D-59 exempts from the provisions of the New Jersey Smoke-Free Air Act the following (italicized words are defined above):

**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR OR CIGAR LOUNGE  
(Continued)**

**SECTION 3**

**Affidavit of New Jersey Registered Architect or Licensed Professional Engineer in Support of  
Application for Registration of Exempt Cigar Bar or Cigar Lounge pursuant to N.J.S.A. 26:3D-55 et seq.  
and N.J.A.C. 8:6**

“any *cigar bar* or *cigar lounge* that, in the calendar year ending December 31, 2004, generated 15% or more of its total annual gross income from the on-site sale of *tobacco products* and the rental of on-site humidors, not including any sales from vending machines, and is registered with the local board of health in the municipality in which the bar or lounge is located. The registration shall remain in effect for one year and shall be renewable only if:

(1) in the preceding calendar year, the *cigar bar* or *lounge* generated 15% or more if its total annual gross income from the on-site sale of *tobacco products* and the rental of on-site humidors, and

(2) the *cigar bar* or *cigar lounge* has not expanded its size or changed its location since December 31, 2004”

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(Pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6)

**SECTION 3**

**Affidavit of New Jersey Registered Architect or Licensed Professional Engineer in Support of Application for Registration of Exempt Cigar Bar or Cigar Lounge pursuant to N.J.S.A. 26:3D-55 et seq. and N.J.A.C. 8:6**

1. This application is to register an establishment as a (check one):

<input type="checkbox"/> Cigar Bar <input type="checkbox"/> Cigar Lounge
--------------------------------------------------------------------------

2. Business Name of Proposed Exempt Cigar Bar or Cigar Lounge:

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3. I am (check applicable statement):

- A New Jersey Registered Architect.
- A New Jersey Licensed Professional Engineer.

4. The proposed exempt *cigar bar* or *cigar lounge* is enclosed from the nonsmoking establishment in which it is located by: (See definitions of italicized terms in Instructions.)

- a. solid walls or windows;
- b. a ceiling; and
- c. a solid door.

5. The ventilation system of the proposed exempt *cigar bar* or *cigar lounge* is separately exhausted from the nonsmoking areas of the establishment so that air from the proposed smoking area would not be recirculated to the nonsmoking areas and smoke would not be *backstreamed* into the nonsmoking areas. (See definitions of italicized terms in Instructions.)

6. Name of Individual Completing Form

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7. Title

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8. Signature

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9. Date

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State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Notary Public of the State of New Jersey**

MY COMMISSION EXPIRES: \_\_\_\_\_.

By \_\_\_\_\_