

**STATE OF NORTH CAROLINA**  
**APPLICATION FOR REGISTRATION OF EXEMPT CIGAR BAR**  
**Pursuant to G.S. 130A-492 and G.S. 130A-496**

**INSTRUCTIONS**

This affidavit can be used to apply for the exemption of cigar bars from the North Carolina ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT.

In accordance with the Commission for Public Health Rules **10A NCAC 39C .0102 EXEMPTION OF CIGAR BARS** the following procedures are required.

(a) Cigar bars shall file an affidavit with the Division within thirty days after the end of each quarter stating the establishment meets the statutory requirements set forth for cigar bars by G.S.130A-492 and G.S.130A-496. Affidavits shall be sent to the:

Chief, Regulatory and Legal Affairs  
N. C. Department of Health and Human Services  
Division of Public Health  
1931 Mail Service Center  
Raleigh, NC 27699-1931

(b) Affidavits submitted in 2010 and each year thereafter shall be post-marked:

- (1) By January 31st for the quarter ending December 31st.
- (2) By April 30th for the quarter ending March 31st.
- (3) By July 31st for the quarter ending June 30th.
- (4) By October 31st for the quarter ending September 30th.

(c) Within sixty days after receiving the affidavit the Division shall provide written documentation to the cigar bar on its exemption status under G.S. 130A-496.

**AFFIDAVIT FOR CIGAR BAR EXEMPTION  
ESTABLISHMENT BEGINNING OPERATION AFTER JULY 1, 2009  
(STATE OF NORTH CAROLINA)  
*Revised May 2011***

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, being first duly cautioned and sworn, says as follows:

1. Affiant is proprietor of \_\_\_\_\_, located at \_\_\_\_\_ with a telephone number of \_\_\_\_\_;
2. Affiant is authorized to make this Affidavit and has personal knowledge of the facts in support of this affidavit;
3. This Affidavit is provided to comply with the requirements of 2009 G.S. 130A-496 and the Administrative Rules prohibiting smoking in restaurants and bars;
4. That the establishment as set forth above derived \_\_\_\_\_ % of its quarterly gross income from the sale of alcoholic beverages and \_\_\_\_\_ % of its quarterly gross revenue from the sale of cigars;
5. Has a humidor on the premises;
6. Does not allow individuals under the age of 21 to enter the premises; and
7. Began operation **after** July 1, 2009, is located in a freestanding structure occupied solely by the cigar bar, and smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited pursuant to this Article.

**NOTE:** Revenue generated from other tobacco sales, including cigarette vending machines, shall not be used to determine whether an establishment satisfies the definition of cigar bar.

For the Quarter ending \_\_\_\_\_, 20\_\_.

FURTHER, Affiant sayeth not.

\_\_\_\_\_  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public