Between 1920 and 1933, America experienced the renowned period of Prohibition. With the grassroots movement against alcohol led by the Woman’s Christian Temperance Union and the Anti-Saloon League, the United States government enacted its sweeping ban. Even though the federal government did not prohibit private ownership and consumption, some local and state governments went as far as banning actual possession.

Flash forward to June 22, 2009. The President of the United States signs the Family Smoking Prevention and Tobacco Control Act, giving the U.S. Food & Drug Administration sweeping regulatory powers over all things tobacco. Although they are prohibited from any outright ban on a product, they can create barriers that make the introduction of new products virtually impossible. However, there is a little known codicil in the act that allows local and state governments the authority to implement more stringent ordinances and legislation on tobacco, especially in the arena of sales and distribution restrictions.

Just as January 16, 1919 with the prohibition era 18th Amendment to the Constitution ratification, or the June 22, 2009 signing of the Tobacco Control Act, perhaps June 4, 2019 should also be enshrined in the annals of nanny state history. It was on that evening that the City Council of Beverly Hills, California became the first jurisdiction in America to ban the sale of tobacco within its community.

Twenty-eight local businesses that sell perfectly legal tobacco products will be prohibited from doing so. Now at least in many cigar circles, most know that the city council heard the plea to exempt two premium cigar shops and a private cigar club. For that, we are grateful - concerned about the attack on free markets, private property rights, and personal choice, but grateful. Cigar Rights of America endorsed the request for those exemptions, and released a petition to City Council making that request, as well.

The most renowned plea for exemption came from former California Governor and cigar enthusiast Arnold Schwarzenegger. Writing for the Grand Havana Room cigar club, the Governor stated that the club “provides a treasured home away from home where community members, businessmen and business women, artists, authors, educators, film makers, priests, pastors, rabbis, doctors, lawyers, and political leaders all gather, and where they can share the company of one another over the enjoyment of a fine cigar.”

The Governor also noted that the club was “an altogether rare venue…where the sharing of a meal, drink, and premium cigar promotes camaraderie, relaxation, and the healthy exchange of ideas and experiences.”
To me, I guess that makes virtually every cigar shop and lounge in the nation a “rare venue” – 327 million people in America, maybe 3 million occasional cigar consumers, 2,000 premium cigar shops, and less than that with a lounge or cigar bar – I would say they are each rare, unique, and should be recognized as nothing less than sanctuary for those among us that wish to gather for such moments as the Governor described.

We would like to use Governor Schwarzenegger’s message as a form letter for such battles confronted by every cigar shop across the nation, because our prediction is that Beverly Hills just set a horrible national precedent for local governments across the nation to entertain similar ordinances. And it has begun.

On a 4-1 vote within a week of, and based upon the action in Beverly Hills, the City Council of Manhattan Beach, California started the process of drafting their own tobacco sales ban. Councilman Steve Napolitano called it “a logical next step,” following banning smoking in all public places. Of course, governments have a creative way of defining “public place,” you know, to mean a private place of business.

Bad ideas have a way of spreading fast in the arena of tobacco politics. Especially at this juncture, with the legislative plate being full for the industry with state and national issues, the last thing America’s cigar shops (and consumers) need is a city hall to city hall slate of proposals and ordinances, where free enterprise has to be defended, proverbial exemptions have to be justified, choices limited, entrepreneurship stifled, and a new era of prohibition launched.

CRA is currently working with a coalition of cigar shops in the St. Louis, Missouri region in an effort to prevent a smoking ban, due to the consistent threat of a public referendum. We call it “Operation Sanctuary,” because America’s cigar shops are truly becoming the last refuge from the agenda of the nanny state.

For them, the cigar shops and lounges of America, these “rare venues” for camaraderie, conversation and relaxation, need to be defended in a manner that makes them non-negotiable in such battles - that local and state governments will not ban the enjoyment of premium cigars in such defined places of business, nor threaten the sale of great premium handmade cigars. All it takes is one Michael Bloomberg to enable “The Beverly Hills Model” to be bankrolled and spread across the nation, and the next wave of battles, truly begins.

Perhaps it’s time to use some language of the Constitution for our side, for a change – Congress shall make no law respecting or prohibiting the right of the people peaceably to assemble. The Freedom of Assembly seems central, to the passion for cigars.