

## SAN JOSE TRYING TO TURN OUT THE LIGHTS IN SMOKESHOPS

Los Angeles, November 19, 2010 – "How are we supposed to conduct business if our customers can not see their cigars or smell their pipe tobacco?"

That's Bill Davis, owner of West Coast Cigar in San Jose, California, stating the obvious in the face of an onerous new licensing program now being proposed by the City of San Jose which would not only impose a \$450-per-year fee on all tobacco retailers in the city, but also require that would prohibit "all self-service displays of tobacco products" - such as walk-in humidors - as require that "all tobacco products and tobacco paraphernalia to be stored or kept out of public view."

To protest the ordinance and an additional ordinance under consideration by the County of Santa Clara to ban the sale of all flavored tobacco products - cigars and pipe tobaccos - a major educational rally to protect smoker's rights is being held on Monday, November 22 at the Mission Pipe Shop - 1205 The Alameda - from 2 p.m. to 7 p.m.

"The San Jose City Council has not performed an economic impact report on their planned licensing scheme," noted California Association of Retail Tobacconists chief Charles Janigian. "They assume that all 855 current retailers of tobacco products will continue to sell tobacco products after they impose the new licensing fee. In fact, 20% of the current small retailers of tobacco products will, most probably, not be able to afford the new license." The new fee is supposed to cover the costs of two new Code Enforcement Inspectors, but if the number of retailers falls, so will the revenue expected from this new tax."

What's amazing in all of this is that the State of California already has a comprehensive licensing program for stores that sell tobacco products and an undercover compliance check program to insure against selling tobacco to minors. As Janigian pointed out in a letter to the Santa Clara County Supervisors, "the average age of someone who visits a tobacconist store in the County is over the age of 30, considered an adult who can choose between right and wrong . . ."

The County has already passed NS-625.5, banning smoking in parks, hotel rooms and even in cigar stores, and NS-625.6, prohibiting smoking in all multi-unit residences (including inside one's own home) beginning in 14 months, applicable only in unincorporated areas of the County. It notes in its report on the ordinance that there is no "constitutional right to smoke."

If you can, join Janigian, Davis, Andrew Reddy of Club Havana Premium Cigars, Flip & Debbie Morton of Smokers Paradise and host Donna Brown of the Mission Pipe Shop on Monday.

~ Rich Perelman