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Exceptions to Nebraska Smoking Ban Struck Down

OMAHA, Neb. (AP) - The Nebraska Supreme Court has struck down two exceptions to the state's public smoking ban, dealing a blow to cigar bars and tobacco shops, but sparing the exception for some hotel guestrooms that allow smoking.

The decision Friday came in the case of Big John's Billiards, an Omaha pool hall, whose owner sued after Nebraska enacted a statewide public smoking ban in 2009. The law bans smoking in all public buildings and private businesses, including bars and restaurants. However, the law provided exceptions for cigar bars, some hotel rooms and tobacco-only retailers.

In a split decision, the state's high court found that the exception for hotel rooms is permissible, because hotel guestrooms are akin to private homes. But it found the exceptions for cigar bars and tobacco retailers unconstitutional.

Associated Press