

HOUSE BILL 1483

C2, J1

9lr3235

By: **Delegates Vaughn, Ross, and Walker**
Introduced and read first time: March 2, 2009
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Indoor Smoking Prohibition - Exception - Cigar Bars**

3 FOR the purpose of making the prohibition against smoking in certain indoor areas
4 not apply to a cigar bar that meets certain standards; and generally relating to
5 cigar bars.

6 BY repealing and reenacting, without amendments,
7 Article – Health – General
8 Section 24–504
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2008 Supplement)

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12 Article – Health – General
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16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 24–504.

20 Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a
21 person may not smoke in:

22 (1) An indoor area open to the public;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) An indoor place in which meetings are open to the public in
2 accordance with Title 10, Subtitle 5 of the State Government Article;

3 (3) A government-owned or government-operated means of mass
4 transportation including buses, vans, trains, taxicabs, and limousines; or

5 (4) An indoor place of employment.

6 24-505.

7 This subtitle does not apply to:

8 (1) Private homes, residences, including residences used as a business
9 or place of employment, unless being used by a person who is licensed or registered
10 under Subtitle 5 of the Family Law Article to provide day care or child care, and
11 private vehicles, unless being used for the public transportation of children, or as part
12 of health care or day care transportation;

13 (2) A hotel or motel room rented to one or more guests as long as the
14 total percent of hotel or motel rooms being so used does not exceed 25%;

15 (3) A retail tobacco business that is a sole proprietorship, limited
16 liability company, corporation, partnership, or other enterprise, in which:

17 (i) The primary activity is the retail sale of tobacco products
18 and accessories; and

19 (ii) The sale of other products is incidental;

20 (4) Any facility of a manufacturer, importer, wholesaler, or distributor
21 of tobacco products or of any tobacco leaf dealer or processor in which employees of the
22 manufacturer, importer, wholesaler, distributor, or processor work or congregate; [or]

23 (5) A research or educational laboratory for the purpose of conducting
24 scientific research into the health effects of tobacco smoke; **OR**

25 (6) **AN ESTABLISHMENT COMMONLY KNOWN AS A CIGAR BAR**
26 **THAT:**

27 (I) **IS LOCATED IN A PROFESSIONAL SPORTS VENUE;**

28 (II) **SELLS CIGARS TO PATRONS FOR SMOKING ON THE**
29 **PREMISES, WITH SIGNS STATING "CIGAR SMOKING PERMITTED IN THIS CIGAR**
30 **BAR" POSTED NEAR EACH ENTRANCE AND EXIT DOOR OF THE CIGAR BAR;**

1 **(III) PROHIBITS THE SMOKING OF ALL TOBACCO PRODUCTS**
2 **ON THE PREMISES OTHER THAN CIGARS;**

3 **(IV) GENERATES AT LEAST 10% OF ITS TOTAL ANNUAL**
4 **GROSS REVENUE OR AT LEAST \$5,000 IN ANNUAL SALES FROM THE SALE OF**
5 **CIGARS;**

6 **(V) PROHIBITS AN INDIVIDUAL UNDER THE AGE OF 21**
7 **YEARS FROM ENTERING THE PREMISES, WITH SIGNS STATING “INDIVIDUALS**
8 **UNDER THE AGE OF 21 YEARS NOT ALLOWED IN THIS CIGAR BAR” POSTED**
9 **NEAR EACH ENTRANCE AND EXIT DOOR OF THE CIGAR BAR;**

10 **(VI) IS EQUIPPED WITH A VENTILATION SYSTEM THAT IS**
11 **CERTIFIED BY THE STATE FIRE MARSHAL;**

12 **(VII) IS EQUIPPED WITH A ROOM DESIGNED TO PRESERVE OR**
13 **PROMOTE THE STORAGE AND AGING OF CIGARS BY MAINTAINING A RELATIVE**
14 **HUMIDITY LEVEL OF 70% AND A TEMPERATURE OF APPROXIMATELY 65 TO 75**
15 **DEGREES FAHRENHEIT; AND**

16 **(VIII) DOES NOT OFFER VIDEO LOTTERY TERMINALS ON THE**
17 **PREMISES; AND**

18 **(IX) HOLDS AN ALCOHOLIC BEVERAGES LICENSE UNDER**
19 **ARTICLE 2B OF THE CODE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2009.