

Chapter 438

(House Bill 585)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Regulations to Prohibit Smoking

MC/PG 109–15

FOR the purpose of requiring the Maryland–National Capital Park and Planning Commission to adopt regulations, on or before a certain date, to prohibit on property under its jurisdiction the smoking of certain tobacco products; providing for a certain ~~exemptions and exclusions~~ exclusion; requiring that the regulations provide that certain penalties be imposed for certain infractions; and generally relating to regulations by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article – Land Use
Section 17–207
Annotated Code of Maryland
(2012 Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

17–207.

(a) The Commission may adopt regulations for the use of any property under its jurisdiction.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 30, 2016, THE COMMISSION SHALL ADOPT REGULATIONS TO PROHIBIT ~~THE SMOKING OF A CIGARETTE, A CIGAR, OR ANY OTHER TOBACCO PRODUCT~~ ON PROPERTY UNDER ITS JURISDICTION THE SMOKING OF:

- (I) A CIGARETTE;**
- (II) A CIGAR; OR**
- (III) ANY OTHER TOBACCO PRODUCT.**

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION:

(I) MAY:

~~(I) EXEMPT ANY COMMISSION EMPLOYEE WHO IS ENTITLED TO SMOKE UNDER THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT OR OTHER WORKPLACE RULE OF GENERAL APPLICABILITY; AND~~

~~(II) EXCLUDE FROM THE PROHIBITION ANY DESIGNATED VENUE OR FACILITY REASONABLY DETERMINED BY THE COMMISSION TO BE APPROPRIATE FOR THE PURPOSE OF GENERATING ADMISSION FEES, RENTAL FEES, OR SIMILAR CHARGES FOR USE OF COMMISSION PROPERTY; AND~~

(II) SHALL PROVIDE THAT THE FOLLOWING PENALTIES BE IMPOSED:

1. FOR A FIRST INFRACTION, A WARNING; AND

2. FOR A SECOND OR SUBSEQUENT INFRACTION, A \$25 FINE.

[b] (C) (1) The Commission shall:

(i) post the regulations outside each park headquarters building, community center, recreation center, or similar building in a developed park area; and

(ii) after posting the regulations, publish them at least three times within 60 days in one or more newspapers of general circulation published in the metropolitan district.

(2) The posting and publication of the regulations shall be sufficient notice to all persons.

(3) The sworn certificate of a commissioner as to the posting and publication of the regulations is prima facie evidence of posting and publication.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.