
By: Delegate Bissett

Introduced and read first time: January 11, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smoking in the Workplace - Exemption - For-Profit Bingo Establishments**

3 FOR the purpose of permitting the smoking of tobacco products in a certain percentage
4 of certain premises subject to the authority of the Secretary of Labor, Licensing, and
5 Regulation and the Commissioner of Labor and Industry where the game of bingo
6 is being conducted for profit and is open to the public, notwithstanding any
7 regulations adopted by the Secretary or Commissioner; making stylistic changes;
8 and generally relating to the smoking of tobacco products in certain workplaces.

9 BY repealing and reenacting, with amendments,
10 Article - Business Regulation
11 Section 2-105(d)
12 Annotated Code of Maryland
13 (1992 Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 2-106(c) and 5-314(c)
17 Annotated Code of Maryland
18 (1991 Volume and 1995 Supplement)

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

21 **Article - Business Regulation**

22 2-105.

23 (d) (1) (i) Notwithstanding any regulations adopted by the Secretary under
24 this section, the smoking of tobacco products is permitted in any of the following locations
25 unless restricted as authorized under paragraph (3) of this subsection:

26 1. any portion of a private residence which is not open to the
27 public for business purposes;

28 2. any establishment that:

2

1 A. is not a restaurant or hotel as defined in Article 2B, § 1-102
2 of the Code;

3 B. possesses an alcoholic beverages license issued under Article
4 2B of the Code that allows consumption of alcoholic beverages on the premises of the
5 establishment; and

6 C. is generally recognized as a bar or tavern;

7 3. a bar in a hotel or motel;

8 4. a club as defined in Article 2B, § 1-102 of the Code that
9 possesses an alcoholic beverages license issued under Article 2B of the Code and that
10 allows consumption of alcoholic beverages on the premises of the club;

11 5. in the case of a restaurant as defined in Article 2B, § 1-102
12 of the Code:

13 A. if the restaurant does not possess an alcoholic beverages
14 license issued under Article 2B of the Code, a separate enclosed room not to exceed 40%
15 of the total area of the restaurant; or

16 B. if the restaurant possesses an alcoholic beverages license
17 issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not
18 exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate
19 enclosed room not exceeding 40% of the total area of the restaurant including the bar or
20 bar area;

21 6. up to 40% of the sleeping rooms in a hotel or motel;

22 7. a separate enclosed room of an establishment other than an
23 establishment specified in items 1 through 6 of this subparagraph that possesses an
24 alcoholic beverages license issued under Article 2B of the Code that allows consumption
25 of alcoholic beverages on the premises of the establishment; [or]

26 8. up to 40% of the premises of a fraternal, religious, patriotic,
27 or charitable organization or corporation or fire company or rescue squad that is subject
28 to the authority of the Secretary during an event that the organization or corporation
29 holds on its own property and which is open to the public; OR

30 9. UP TO 40% OF A PREMISES SUBJECT TO THE AUTHORITY
31 OF THE SECRETARY WHERE A GAME OF BINGO IS BEING CONDUCTED FOR PROFIT
32 AND THAT IS OPEN TO THE PUBLIC.

33 (ii) A separate enclosed room in which smoking is permitted under
34 subparagraph (i) of this paragraph is not required to have a specially modified ventilation
35 system for the room.

36 (2) For the purposes of paragraph (1)(i)5B of this subsection, "bar or bar
37 area" means an area within a restaurant that is devoted to the serving of alcoholic
38 beverages for consumption by guests on the premises and in which the serving of food is
39 incidental to the consumption of the alcoholic beverages, and the immediately adjacent
40 seating area.

3

1 (3) Notwithstanding the provisions of this subsection, a proprietor of an
2 establishment described in paragraph (1) of this subsection may restrict or prohibit
3 smoking on the premises of the establishment.

4 **Article - Labor and Employment**

5 2-106.

6 (c) (1) (i) Notwithstanding any regulations adopted by the Commissioner
7 under this section, the smoking of tobacco products is permitted in anyof the following
8 locations unless restricted as authorized under paragraph (3) of this subsection:

- 9 1. any portion of a private residence which is not open to the
10 public for business purposes;
- 11 2. any establishment that:
 - 12 A. is not a restaurant or hotel as defined in Article2B, § 1-102
13 of the Code;
 - 14 B. possesses an alcoholic beverages license issued under Article
15 2B of the Code that allows consumption of alcoholic beverages on the premises of the
16 establishment; and
 - 17 C. is generally recognized as a bar or tavern;
- 18 3. a bar in a hotel or motel;
- 19 4. a club as defined in Article 2B, § 1-102 of the Code that
20 possesses an alcoholic beverages license issued under Article 2B of theCode and that
21 allows consumption of alcoholic beverages on the premises of the club;
- 22 5. in the case of a restaurant as defined in Article 2B, § 1-102
23 of the Code[;]:
 - 24 A. if the restaurant does not possess an alcoholic beverages
25 license issued under Article 2B of the Code, a separate enclosed room not to exceed 40%
26 of the total area of the restaurant; or
 - 27 B. if the restaurant possesses an alcoholic beverageslicense
28 issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not
29 exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate
30 enclosed room not exceeding 40% of the total area of the restaurant including the bar or
31 bar area;
- 32 6. up to 40% of the sleeping rooms in a hotel or motel;
- 33 7. a separate enclosed room of an establishment otherthan an
34 establishment specified in items 1 through 6 of this subparagraph that possesses an
35 alcoholic beverages license issued under Article 2B of the Code that allows consumption
36 of alcoholic beverages on the premises of the establishment; [or]
- 37 8. up to 40% of the premises of a fraternal, religious, patriotic,
38 or charitable organization or corporation or fire company or rescue squad that is subject

4

1 to the authority of the Secretary during an event that the organization or corporation
2 holds on its own property and which is open to the public; OR

3 9. UP TO 40% OF A PREMISES SUBJECT TO THE AUTHORITY
4 OF THE COMMISSIONER WHERE A GAME OF BINGO IS BEING CONDUCTED FOR
5 PROFIT AND THAT IS OPEN TO THE PUBLIC.

6 (ii) A separate enclosed room in which smoking is permitted under
7 subparagraph (i) of this paragraph is not required to have a specially modified ventilation
8 system for the room.

9 (2) For the purposes of paragraph (1)(i)5B of this subsection, "bar or bar
10 area" means an area within a restaurant that is devoted to the serving of alcoholic
11 beverages for consumption by guests on the premises and in which the serving of food is
12 incidental to the consumption of the alcoholic beverages, and the immediately adjacent
13 seating area.

14 (3) Notwithstanding the provisions of this subsection, a proprietor of an
15 establishment described in paragraph (1) of this subsection may restrict or prohibit
16 smoking on the premises of the establishment.

17 5-314.

18 (c) (1) (i) Notwithstanding any regulations adopted by the Commissioner
19 under this section, the smoking of tobacco products is permitted in any of the following
20 locations unless restricted as authorized under paragraph (3) of this subsection:

21 1. any portion of a private residence which is not open to the
22 public for business purposes;

23 2. any establishment that:

24 A. is not a restaurant or hotel as defined in Article 2B, § 1-102
25 of the Code;

26 B. possesses an alcoholic beverages license issued under Article
27 2B of the Code that allows consumption of alcoholic beverages on the premises of the
28 establishment; and

29 C. is generally recognized as a bar or tavern;

30 3. a bar in a hotel or motel;

31 4. a club as defined in Article 2B, § 1-102 of the Code that
32 possesses an alcoholic beverages license issued under Article 2B of the Code and that
33 allows consumption of alcoholic beverages on the premises of the club;

34 5. in the case of a restaurant as defined in Article 2B, § 1-102
35 of the Code[;];

36 A. if the restaurant does not possess an alcoholic beverages
37 license issued under Article 2B of the Code, a separate enclosed room not to exceed 40%
38 of the total area of the restaurant; or

5

1 B. if the restaurant possesses an alcoholic beverages license
2 issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not
3 exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate
4 enclosed room not exceeding 40% of the total area of the restaurant including the bar or
5 bar area;

6 6. up to 40% of the sleeping rooms in a hotel or motel;

7 7. a separate enclosed room of an establishment other than an
8 establishment specified in items 1 through 6 of this subparagraph that possesses an
9 alcoholic beverages license issued under Article 2B of the Code that allows consumption
10 of alcoholic beverages on the premises of the establishment; [or]

11 8. up to 40% of the premises of a fraternal, religious, patriotic,
12 or charitable organization or corporation or fire company or rescue squad that is subject
13 to the authority of the Secretary during an event that the organization or corporation
14 holds on its own property and which is open to the public; OR

15 9. UP TO 40% OF A PREMISES SUBJECT TO THE AUTHORITY
16 OF THE COMMISSIONER WHERE A GAME OF BINGO IS BEING CONDUCTED FOR
17 PROFIT AND THAT IS OPEN TO THE PUBLIC.

18 (ii) A separate enclosed room in which smoking is permitted under
19 subparagraph (i) of this paragraph is not required to have a specially modified ventilation
20 system for the room.

21 (2) For the purposes of paragraph (1)(i)5B of this subsection, "bar or bar
22 area" means an area within a restaurant that is devoted to the serving of alcoholic
23 beverages for consumption by guests on the premises and in which the serving of food is
24 incidental to the consumption of the alcoholic beverages, and the immediately adjacent
25 seating area.

26 (3) Notwithstanding the provisions of this subsection, a proprietor of an
27 establishment described in paragraph (1) of this subsection may restrict or prohibit
28 smoking on the premises of the establishment.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996.