
By: Delegate Bissett

Introduced and read first time: January 11, 1996

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 1996

CHAPTER ____

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:

2

1 **Article - Business Regulation**

2 2-105.

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

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

8 2. any establishment that:

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

11 B. possesses an alcoholic beverages license issued under Article
12 2B of the Code that allows consumption of alcoholic beverages on the premises of the
13 establishment; and

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

15 3. a bar in a hotel or motel;

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

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

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

24 B. if the restaurant possesses an alcoholic beverages license
25 issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not
26 exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate
27 enclosed room not exceeding 40% of the total area of the restaurant including the bar or
28 bar area;

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

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

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

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 5-314.

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

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

35 2. any establishment that:

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

38 B. possesses an alcoholic beverages license issued under Article
39 2B of the Code that allows consumption of alcoholic beverages on the premises of the
40 establishment; and

5

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

2 3. a bar in a hotel or motel;

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

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

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

11 B. if the restaurant possesses an alcoholic beverages license
12 issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not
13 exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate
14 enclosed room not exceeding 40% of the total area of the restaurant including the bar or
15 bar area;

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

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

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

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

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

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

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

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

