

(PRE-FILED)

By: **Delegate Arnick**
Requested: August 31, 1999
Introduced and read first time: January 12, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Prohibit Smoking - Public Parks or Recreational Facilities**

3 FOR the purpose of prohibiting smoking in a public park or a recreational facility
4 owned by the State, a county, a municipal corporation, or bicounty agency;
5 providing a certain civil penalty for smoking in a public park or recreational
6 facility; requiring a supervisor of a public park to provide for the posting and
7 placement of conspicuous signs that clearly indicate that smoking is not
8 permitted in a public park or recreational facility; requiring the Secretary of
9 Natural Resources to adopt regulations to enforce the smoking prohibition in
10 public parks or recreational facilities owned by the State; requiring the
11 governing body of a county, a municipal corporation, or bicounty agency to adopt
12 regulations to enforce the smoking prohibition in public parks or recreational
13 facilities owned by the county, municipal corporation, or bicounty agency;
14 making a stylistic change; defining a certain term; altering the definition of a
15 certain term; and generally relating to smoking in a public park or recreational
16 facility.

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 24-501 through 24-505, inclusive, to be under the amended subtitle
20 "Subtitle 5. Tobacco Smoking in Retail Stores and Public Parks or
21 Recreational Facilities"
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**2 Subtitle 5. Tobacco Smoking in Retail Stores AND PUBLIC PARKS OR
3 RECREATIONAL FACILITIES.

4 24-501.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Public area" means a room or a portion of a room or other area to which
7 the public has ready access.8 (C) "PUBLIC PARK OR RECREATIONAL FACILITY" MEANS A PARK, FOREST,
9 RESERVE, SCENIC PRESERVE, HISTORICAL MONUMENT, RECREATIONAL AREA OR
10 FACILITY, OR OTHER SIMILAR PROPERTY UNDER THE CONTROL OF THE STATE, A
11 COUNTY, A MUNICIPAL CORPORATION, OR BICOUNTY AGENCY OF THE STATE.12 [(c)] (D) "Retail store" means any establishment employing 20 or more
13 full-time persons whose primary purpose is to sell to consumers any goods, wares,
14 food for consumption off the premises, or merchandise.

15 [(d)] (E) "Smoking" means the act of smoking or carrying a burning:

16 (1) Cigar;

17 (2) Cigarette;

18 (3) Pipe; or

19 (4) Other tobacco product of any kind.

20 [(e)] (F) "Supervisor" means the person who controls, governs, or directs the
21 activities in a retail store OR A PUBLIC PARK OR RECREATIONAL FACILITY.

22 24-502.

23 (a) The provisions of this subtitle do not apply to:

24 (1) A restaurant;

25 (2) A restaurant area of a retail store;

26 (3) A tobacconist;

27 (4) A lavatory or [restroom] REST ROOM in a retail store; or

28 (5) A work area of a retail store:

29 (i) To which the public does not have access; and

30 (ii) That can be physically isolated by a room with doors closed.

1 (b) (1) Except as provided in this subtitle, an individual or employee may
2 not smoke in the public area of a retail store in this State.

3 (2) A PERSON MAY NOT SMOKE IN A PUBLIC PARK OR RECREATIONAL
4 FACILITY.

5 24-503.

6 (a) A supervisor shall provide for the posting and placement of conspicuous
7 signs that clearly indicate that smoking is not permitted in the public area of a retail
8 store OR A PUBLIC PARK OR RECREATIONAL FACILITY.

9 (b) A supervisor violates this subtitle if the supervisor fails to comply with the
10 provision of subsection (a) of this section.

11 (c) A supervisor does not violate this section if:

12 (1) The supervisor complies with the provision of subsection (a) of this
13 section; and

14 (2) The public or employees persist in or continue their smoking in a
15 public area.

16 24-504.

17 (a) (1) The Secretary shall adopt rules and regulations to enforce the
18 provisions of this subtitle PERTAINING TO SMOKING IN PUBLIC AREAS OF A RETAIL
19 STORE.

20 (2) (I) THE SECRETARY OF NATURAL RESOURCES SHALL ADOPT
21 REGULATIONS TO ENFORCE THE PROVISIONS OF THIS SUBTITLE PERTAINING TO
22 PUBLIC PARKS OR RECREATIONAL FACILITIES UNDER THE CONTROL OF THE STATE.

23 (II) THE GOVERNING BODY OF A COUNTY, MUNICIPAL
24 CORPORATION, OR BICOUNTY AGENCY OF THIS STATE SHALL ADOPT REGULATIONS
25 TO ENFORCE THE PROVISIONS OF THIS SUBTITLE PERTAINING TO PUBLIC PARKS OR
26 RECREATIONAL FACILITIES UNDER THE CONTROL OF THE COUNTY, MUNICIPAL
27 CORPORATION, OR BICOUNTY AGENCY.

28 (b) A person who violates § 24-502(B)(2) OR § 24-503(a) of this subtitle is
29 subject to a civil penalty of \$25.

30 24-505.

31 (a) Except as provided in subsection (b) of this section, this subtitle does not
32 prohibit any county [or], municipal corporation, OR BICOUNTY AGENCY of the State
33 from enacting an ordinance, resolution, law, or rule that is more stringent than the
34 provisions of this subtitle.

35 (b) Charles County and St. Mary's County may not enact an ordinance,
36 resolution, law, or rule that is more stringent than the provisions of this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.