

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 29 (Delegate Frush)
Environmental Matters

Occupational Safety and Health Standards - Emergency Regulations - Smoking in Bars

This bill repeals the exemption to occupational health and safety standards that allow the smoking of tobacco products in bars, taverns, or clubs, including bars in hotels, motels, and restaurants. Smoking would only be permitted in restaurants that have a separate, enclosed area that does not exceed 40% of the area of the restaurant.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances. Enforcement activities could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Bars and establishments with bar areas are exempt from the ban on indoor smoking of tobacco products.

Background: California is the only state in the country that totally prohibits smoking in bars.

Small Business Effect: According to the 1998 Survey of U.S. Businesses, 80.7% of food service and drinking places in Maryland had fewer than 20 employees; 96.1% of these establishments had fewer than 100 employees. To the extent that establishments do not have separate enclosed areas for smoking and choose to construct such an area, they

will incur increased expenditures, which could be significant. However, there will be other establishments that can comply with the bill's requirements without incurring additional expenditures. Any effect the bill might have on any given establishment's customer base cannot be reliably predicted.

Additional Information

Prior Introductions: This bill was introduced as HB 39 in the 2001 session and as HB 303 in the 2000 session. Both bills received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Comptroller of the Treasury (Alcohol and Tobacco Tax Division); Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2002
lc/jr

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