

# SENATE BILL 629

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By: **Senators Lenett, Britt, Jones, Madaleno, and McFadden**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Prohibition Against Smoking in Vehicle Containing Minor**  
3 **Passenger**

4 FOR the purpose of prohibiting a person from smoking a tobacco product in a vehicle  
5 in which a person who is under a certain age is a passenger; establishing a  
6 certain civil penalty for a violation of this Act; making certain technical and  
7 stylistic changes; and generally relating to prohibitions against tobacco  
8 smoking.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 24–501 through 24–505 to be under the amended subtitle “Subtitle 5.  
12 Tobacco Smoking”  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2006 Supplement)

15 BY adding to  
16 Article – Health – General  
17 New part designation “Part I. Retail Stores” to immediately precede  
18 Section 24–501  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2006 Supplement)

21 BY adding to  
22 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 24–508 to be under the new part “Part II. Vehicle Containing Minor  
2 Passenger”  
3 Annotated Code of Maryland  
4 (2005 Replacement Volume and 2006 Supplement)

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

7 **Article – Health – General**

8 Subtitle 5. Tobacco Smoking [in Retail Stores].

9 **PART I. RETAIL STORES.**

10 24–501.

11 (a) In this [subtitle] **PART** the following words have the meanings indicated.

12 (b) “Public area” means a room or a portion of a room or other area to which  
13 the public has ready access.

14 (c) “Retail store” means any establishment employing 20 or more full–time  
15 persons whose primary purpose is to sell to consumers any goods, wares, food for  
16 consumption off the premises, or merchandise.

17 (d) “Smoking” means the act of smoking or carrying a burning:

18 (1) Cigar;

19 (2) Cigarette;

20 (3) Pipe; or

21 (4) Other tobacco product of any kind.

22 (e) “Supervisor” means the person who controls, governs, or directs the  
23 activities in a retail store.

24 24–502.

25 (a) [The provisions of this subtitle do] **THIS PART DOES** not apply to:

- 1           (1)    A restaurant;
- 2           (2)    A restaurant area of a retail store;
- 3           (3)    A tobacconist;
- 4           (4)    A lavatory or restroom in a retail store; or
- 5           (5)    A work area of a retail store:
- 6                (i)    To which the public does not have access; and
- 7                (ii)   That can be physically isolated by a room with doors closed.

8           (b)    Except as provided in this [subtitle] **PART**, an individual or employee  
9 may not smoke in the public area of a retail store in this State.

10 24–503.

11           (a)    A supervisor shall provide for the posting and placement of conspicuous  
12 signs that clearly indicate that smoking is not permitted in the public area of a retail  
13 store.

14           (b)    A supervisor violates this [subtitle] **PART** if the supervisor fails to comply  
15 with [the provision of] subsection (a) of this section.

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

17                (1)    The supervisor complies with [the provision of] subsection (a) of  
18 this section; and

19                (2)    The public or employees persist in or continue their smoking in a  
20 public area.

21 24–504.

22           (a)    The Secretary shall adopt rules and regulations to enforce [the provisions  
23 of this subtitle] **THIS PART**.

24           (b)    A person who violates § 24–503(a) of this [subtitle] **PART** is subject to a  
25 civil penalty of \$25.

1 24-505.

2 (a) Except as provided in subsection (b) of this section, this [subtitle] **PART**  
3 does not prohibit any county or municipal corporation of the State from enacting an  
4 ordinance, resolution, law, or rule that is more stringent than [the provisions of this  
5 subtitle] **THIS PART.**

6 (b) Charles County and St. Mary's County may not enact an ordinance,  
7 resolution, law, or rule that is more stringent than [the provisions of this subtitle]  
8 **THIS PART I.**

9 **24-506. RESERVED.**

10 **24-507. RESERVED.**

11 **PART II. VEHICLE CONTAINING MINOR PASSENGER.**

12 **24-508.**

13 (A) **A PERSON MAY NOT SMOKE A TOBACCO PRODUCT IN A VEHICLE IN**  
14 **WHICH A PERSON WHO IS UNDER THE AGE OF 6 YEARS IS A PASSENGER.**

15 (B) **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**  
16 **PENALTY NOT EXCEEDING \$25.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2007.