HOUSE BILL 686

N1 8lr1303

By: Delegate Rosenberg

Introduced and read first time: February 1, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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Condominiums - Rules and Regulations - Smoking

3 FOR the purpose of providing that certain provisions of law may not be construed to 4 preempt a council of unit owners of a condominium or a body delegated in the 5 bylaws of a condominium from enacting and enforcing certain rules or 6 regulations; authorizing a council of unit owners or a body delegated in the 7 bylaws of a condominium to carry out the responsibilities of the council of unit 8 owners to adopt rules and regulations to regulate the smoking of tobacco 9 products in the condominium that are at least as stringent as certain provisions 10 of the Health – General Article; and generally relating to rules and regulations 11 of a condominium regulating smoking.

- 12 BY repealing and reenacting, with amendments,
- 13 Article Health General
- 14 Section 24–510
- 15 Annotated Code of Maryland
- 16 (2005 Replacement Volume and 2007 Supplement)
- 17 BY adding to
- 18 Article Real Property
- 19 Section 11–111.4
- 20 Annotated Code of Maryland
- 21 (2003 Replacement Volume and 2007 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Health General
- 25 24-510.

- 1 (A) Nothing in this subtitle shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to reduce involuntary exposure to environmental tobacco smoke.
- 4 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PREEMPT A **(B)** 5 COUNCIL OF UNIT OWNERS OF A CONDOMINIUM OR A BODY DELEGATED IN THE 6 BYLAWS OF A CONDOMINIUM TO CARRY OUT THE RESPONSIBILITIES OF THE 7 COUNCIL OF UNIT OWNERS FROM ENACTING AND ENFORCING MORE STRINGENT 8 RULES OR REGULATIONS TO REDUCE INVOLUNTARY **EXPOSURE** TO 9 ENVIRONMENTAL TOBACCO SMOKE.

Article - Real Property

11 **11-111.4.**

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- 12 (A) This section applies to a condominium established on or 13 After October 1, 2008.
- 14 (B) A COUNCIL OF UNIT OWNERS OR A BODY DELEGATED IN THE
 15 BYLAWS OF A CONDOMINIUM TO CARRY OUT THE RESPONSIBILITIES OF THE
 16 COUNCIL OF UNIT OWNERS MAY ADOPT RULES OR REGULATIONS FOR A
 17 CONDOMINIUM THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF
 18 TITLE 24, SUBTITLE 5 OF THE HEALTH GENERAL ARTICLE TO REGULATE THE
 19 SMOKING OF TOBACCO PRODUCTS IN THE CONDOMINIUM.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.