

HOUSE BILL 850

J1, L2, A2

8lr2958
CF 8lr2968

By: **Delegates Minnick, Aumann, Boteler, Bromwell, Burns, DeBoy, Frank, Impallaria, Jennings, Kach, McHale, Olszewski, Schuler, and Weir**

Introduced and read first time: February 6, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Smoking Ban – Exception for Open–Air Structures with**
3 **Temporary Covering**

4 FOR the purpose of making the prohibition against smoking in certain areas
5 inapplicable in Baltimore County to a certain open–air structure of a bar or
6 restaurant, even when the structure is enclosed on all sides or protected by
7 temporary covering; and generally relating to smoking in Baltimore County.

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 24–504
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)

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17 (2005 Replacement Volume and 2007 Supplement)

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

20 **Article – Health – General**

21 24–504.

22 Except as provided in § 24–505 of this subtitle, beginning on February 1, 2008, a
23 person may not smoke in:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) An indoor area open to the public;
- 2 (2) An indoor place in which meetings are open to the public in
3 accordance with Title 10, Subtitle 5 of the State Government Article;
- 4 (3) A government-owned or government-operated means of mass
5 transportation including buses, vans, trains, taxicabs, and limousines; or
- 6 (4) An indoor place of employment.

7 24-505.

8 This subtitle does not apply to:

9 (1) Private homes, residences, including residences used as a business
10 or place of employment, unless being used by a person who is licensed or registered
11 under Subtitle 5 of the Family Law Article to provide day care or child care, and
12 private vehicles, unless being used for the public transportation of children, or as part
13 of health care or day care transportation;

14 (2) A hotel or motel room rented to one or more guests as long as the
15 total percent of hotel or motel rooms being so used does not exceed 25%;

16 (3) A retail tobacco business that is a sole proprietorship, limited
17 liability company, corporation, partnership, or other enterprise, in which:

18 (i) The primary activity is the retail sale of tobacco products
19 and accessories; and

20 (ii) The sale of other products is incidental;

21 (4) Any facility of a manufacturer, importer, wholesaler, or distributor
22 of tobacco products or of any tobacco leaf dealer or processor in which employees of
23 the manufacturer, importer, wholesaler, distributor, or processor work or congregate;
24 [or]

25 (5) A research or educational laboratory for the purpose of conducting
26 scientific research into the health effects of tobacco smoke; OR

27 **(6) IN BALTIMORE COUNTY, A DECK, PATIO, PORCH, TENT, OR**
28 **OTHER OPEN-AIR STRUCTURE OF A BAR OR RESTAURANT, EVEN WHEN THE**
29 **STRUCTURE IS ENCLOSED ON ALL SIDES OR PROTECTED BY TEMPORARY WALLS,**
30 **WINDOWS, OR DOORWAYS OR OTHER TEMPORARY COVERING.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2008.