

# SENATE BILL 829

J1, L2, A2

8lr2968  
CF HB 850

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By: **Senators Stone, Brochin, and Klausmeier**

Introduced and read first time: February 8, 2008

Assigned to: Rules

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## 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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14 Article - Health - General  
15 Section 24-505  
16 Annotated Code of Maryland  
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:

24 (1) An indoor area open to the public;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) An indoor place in which meetings are open to the public in  
2 accordance with Title 10, Subtitle 5 of the State Government Article;

3           (3) A government-owned or government-operated means of mass  
4 transportation including buses, vans, trains, taxicabs, and limousines; or

5           (4) An indoor place of employment.

6 24-505.

7           This subtitle does not apply to:

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

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

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

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

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

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

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

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

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