

HOUSE BILL 605

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EMERGENCY BILL

11r1239

By: **Delegates Mitchell, Anderson, Branch, Clippinger, Conaway, Glenn, Haynes, McIntosh, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington**

Introduced and read first time: February 9, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Indoor Smoking Prohibition – Exception – Cigar Bars – Baltimore City**

3 FOR the purpose of providing that the prohibition against smoking in certain indoor
4 areas does not apply to certain cigar bars in Baltimore City that meet certain
5 requirements; extending the termination date for certain waivers granted to
6 cigar bars in Baltimore City that meet certain requirements; providing for the
7 application of certain provisions of this Act; making this Act an emergency
8 measure; and generally relating to cigar bars in Baltimore City.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 24–504
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 24–505 and 24–509(d)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

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

21 **Article – Health – General**

22 24–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (4) An indoor place of employment.

9 24–505.

10 This subtitle does not apply to:

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

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

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

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

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

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

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

28 **(6) AN ESTABLISHMENT THAT:**

29 **(i) IS LOCATED IN BALTIMORE CITY;**

1 **(II) SELLS CIGARS FOR SMOKING ON THE PREMISES, WITH**
2 **SIGNS STATING “CIGAR SMOKING PERMITTED IN THIS CIGAR BAR” POSTED**
3 **NEAR EACH ENTRANCE AND EXIT DOOR OF THE ESTABLISHMENT;**

4 **(III) PROHIBITS AN INDIVIDUAL UNDER THE AGE OF 21**
5 **YEARS FROM ENTERING THE PREMISES, WITH SIGNS STATING “INDIVIDUALS**
6 **UNDER THE AGE OF 21 YEARS NOT ALLOWED” POSTED NEAR EACH ENTRANCE**
7 **AND EXIT DOOR OF THE ESTABLISHMENT;**

8 **(IV) IS EQUIPPED WITH AN HVAC SYSTEM THAT SERVES**
9 **THE ESTABLISHMENT EXCLUSIVELY AND DOES NOT CROSS OVER INTO AN**
10 **HVAC SYSTEM OF ANOTHER ESTABLISHMENT;**

11 **(V) IS EQUIPPED WITH AN AIR EXHAUST SYSTEM THAT**
12 **SERVES THE ESTABLISHMENT EXCLUSIVELY AND REPLACES THE AIR IN THE**
13 **ESTABLISHMENT WITH FRESH AIR AT LEAST TWO TIMES EACH HOUR WHEN THE**
14 **ESTABLISHMENT IS OPEN TO THE PUBLIC;**

15 **(VI) IS EQUIPPED WITH A ROOM DESIGNED AS A HUMIDOR**
16 **TO PRESERVE OR PROMOTE THE STORAGE AND AGING OF CIGARS BY**
17 **MAINTAINING A RELATIVE HUMIDITY LEVEL OF 70% AND A TEMPERATURE OF**
18 **APPROXIMATELY 65 TO 75 DEGREES FAHRENHEIT;**

19 **(VII) DOES NOT OFFER VIDEO LOTTERY TERMINALS ON THE**
20 **PREMISES; AND**

21 **(IX) HOLDS AN ALCOHOLIC BEVERAGES LICENSE UNDER**
22 **ARTICLE 2B OF THE CODE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article – Health – General**

26 24–509.

27 (d) (1) A waiver may not be granted under subsection (a) of this section on
28 or after January 31, 2011.

29 (2) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
30 SUBSECTION, A waiver granted under subsection (a) of this section terminates on
31 January 31, 2011.

32 (3) A WAIVER GRANTED TO AN ESTABLISHMENT DESCRIBED IN §
33 24–505(6) OF THIS SUBTITLE TERMINATES ON JUNE 1, 2011.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
2 be construed to apply retroactively and shall be applied to and interpreted to affect
3 any waiver granted to an establishment described in § 24-505(6) of the Health
4 – General Article, as enacted by Section 1 of this Act, prior to January 31, 2011.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety,
7 has been passed by a yea and nay vote supported by three-fifths of all the members
8 elected to each of the two Houses of the General Assembly, and shall take effect from
9 the date it is enacted.