Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 605   (Delegate Mitchell, *et al.*)

Economic Matters

Indoor Smoking Prohibition - Exception - Cigar Bars - Baltimore City

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This emergency bill exempts certain cigar bars in Baltimore City from the prohibition against smoking in certain indoor areas. The bill also retroactively extends the termination date for waivers granted to certain cigar bars in Baltimore City from January 31, 2011, to June 1, 2011.

Fiscal Summary

State Effect: The bill's requirements do not directly affect governmental finances.

Local Effect: Baltimore City must amend its current regulations on smoking in indoor areas but can do so with existing resources. Revenues are not affected.

Small Business Effect: Potential meaningful for cigar bars in Baltimore City that are exempted from the smoking prohibition.

Analysis

Bill Summary: The bill applies only to a cigar bar in Baltimore City that:

- sells cigars for smoking on the premises and posts requisite signage to that effect;
- prohibits individuals younger than age 21 from entering the premises and posts requisite signage to that effect;
- is equipped with an adequate heating, ventilation, and air conditioning system, air exhaust system, and humidor, as specified by the bill;
- does not offer video lottery terminals on the premises; and
- holds an alcoholic beverages license.

Current Law/Background: "Smoking" under the Health-General Article means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco. State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation, in government buildings, and in the workplace. (That prohibition does not apply to a tobacconist.) The Clean Indoor Air Act of 2007 generally prohibits smoking in restaurants, bars, and other indoor areas open to the public. Exceptions to the prohibition are made for the following areas:

- a private home or residence, including a residence used as a business or place of employment, unless being used by a person who is licensed or registered to provide day care or child care;
- a private vehicle, unless being used for the public transportation of children or as part of health care or day care transportation;
- a hotel or motel room rented to one or more guests as long as the total percent of hotel or motel rooms being so used does not exceed 25%;
- a retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise in which the primary activity is the retail sale of tobacco products and accessories and the sale of other products is incidental;
- any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor in which employees of the manufacturer, importer, wholesaler, distributor, or processor work or congregate; or
- a research or educational laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke.

The Clean Indoor Air Act authorizes the health officer of a county to grant a waiver from a specific provision of the smoking ban if the applicant establishes in writing that complying with a specific provision of the waiver would cause undue financial hardship or other factors would render compliance unreasonable. However, any such waiver would have terminated by January 31, 2011. A waiver may not be granted on or after January 31, 2011.

Baltimore City advises that one cigar bar in the city was granted a waiver (now expired) under the Act.

Additional Information

Prior Introductions: None.

Cross File: None.

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