



# Montgomery County Council

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**For Immediate Release**

**July 1, 2003**

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***Measure protects public health of restaurant customers,  
employees...***

## **COUNCIL APPROVES SMOKING BAN FOR COUNTY RESTAURANTS & BARS**

The Montgomery County Council today voted to protect the health of restaurant customers and workers by prohibiting smoking in County eating and drinking establishments.

Voting in favor of the measure were Councilmembers Nancy Floreen and Phil Andrews – the lead sponsors of the bill – joined by Councilmembers George Leventhal, Michael Knapp, Howard Denis, Steve Silverman, Michael Subin, and Tom Perez. Councilmember Marilyn Praisner favored an alternative approach that has been used in other jurisdictions, including Howard County.

“Smoking is already prohibited in every workplace in the state – except restaurants,” said Councilmember Floreen. “Today we’ve closed that loophole and protected restaurant customers and employees alike from the known health hazards of second-hand smoke.”

“I believe non-smokers from across our region will join the County’s non-smokers in flocking to our restaurants, grateful for the chance to eat smoke-free.”

Other measures have already been approved by the states of California, Delaware, and Connecticut and by cities such as New York, Austin, and Boston. A statewide smoke-free workplace bill, which includes restaurants, goes into effect today in Florida.

The measure now goes to the County Executive for his signature and the legislation would go into effect 91 days after it becomes law.

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The Council unanimously approved an amendment to set up a fund to provide marketing assistance to County restaurants affected by the law. The Council defeated by 7 to 2 an amendment offered by Councilmember Praisner to allow for enclosed, separately-ventilated smoking areas through which non-smokers would not need to pass, similar to that in Howard County. The Council also turned aside by a 6 to 3 vote an amendment proposed by Councilmember Silverman to delay the effective date of the measure until July 1, 2005.

“This is an issue of protecting the public health,” said Councilmember Leventhal, chair of the Health & Human Services Committee. “This isn’t about whether smokers have the right to smoke or not. The question is whether other people should be harmed by second-hand smoke.”

The legislation would prohibit all smoking in eating and drinking establishments in the County, except certain private clubs with liquor licenses. Maryland law gives local jurisdictions the authority to further restrict smoking only in “establishments open to the public.”

The law would not apply to non-enclosed outdoor eating areas.

“Experience from other places appears to show no significant adverse economic impact,” said Councilmember Howard Denis. “This just makes sense for Montgomery County.”

The Montgomery County Council initially approved a smoking ban in County eating and drinking establishments on March 9, 1999, acting in its role as the County Board of Health. Scheduled to go into effect on January 1, 2002, that regulation was challenged in court and overturned on procedural grounds by the Maryland Court of Appeals this past May 2.

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