

Montgomery's move to further curb smoking meets resistance

By [Meredith Somers](#)

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Montgomery County is set Tuesday to further restrict smoking by banning lighting up in such non-public places as apartment lobbies and playgrounds, but not without opposition.

Council member [George Leventhal](#), at-large Democrat, said he proposed the bill over concerns of secondhand smoke. However, tobacco advocates say it's less of a health issue than a government bullying its way toward a complete ban smoking.

"It's typical Montgomery County," says candy and tobacco wholesaler representative [Bruce Bereano](#). "They try to pride themselves as the bastion of freedom and liberty ... but they just want the government pervasively telling you what to do and what not to do."

In 2003, Montgomery became the first Maryland county to impose a smoking ban that covered restaurants and bars. The state followed in 2008 with a ban that essentially restricted smoking in all indoor public areas.

The District has a similar law, while Virginia allows smoking in public places such as grocery stores and restaurants provided they have clearly defined smoking sections.

Earlier this year, [New York's City Council](#) banned smoking in 1,700 city parks and on about 14 miles of public beaches.

"We're talking [now] about an indoor public space in a private institution, and [Maryland's] law just doesn't happen to cover it," [Mr. Leventhal](#) said.

He also said he was "optimistic" about the [council](#)'s vote and thinks the bill is "carefully crafted" enough and "not so over-reaching" that it will create a backlash.

The [council](#)'s three-member health and human services committee agreed last month on limiting indoor smoking in private facilities, but did not agree on whether to extend the ban to playgrounds in apartment communities.

Committee member Craig Rice, District 2 Democrat, voted against the outdoor limits, saying too many unanswered questions remain.

“I think everybody’s in agreement about those [indoor] areas,” said Mr. Rice, a nonsmoker. “Playgrounds are a little bit trickier. I have to look at it from the side of a person who is a chain smoker who has a child and what those implications mean. ... In an open-air environment, what is the right distance? The whole aspect of restricting [outdoor smoking] is in general a slippery slope.”

Rita Turner, deputy director of the Center for Tobacco Regulation at the University of Maryland School of Law, said that placing restrictions on smoking is no different than regulating pet ownership or noise levels.

“Smokers are not a protective class,” she said. “This is sort of a reassurance to land owners and property owners that regulations on where and when people smoke is perfectly legal.”

[Mr. Bereano](#) said he doesn’t know what the final language of the bill will be. But Montgomery County uses state general fund revenues, a portion of which comes from tobacco taxes, so the new policy would be inconsistent at least “and at best, it’s hypocritical.”