

Resolution No.:	<u>19-54</u>
Introduced:	<u>October 2, 2018</u>
Adopted:	<u>March 5, 2019</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

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Lead Sponsor: Councilmember Katz  
Co-Sponsors: Council President Riemer and Councilmembers Elrich, Rice, and Alborno

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**SUBJECT:** Resolution to adopt Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas as a Board of Health Regulation.

**Background**


1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On October 23, 2018, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On March 5, 2019, the County Council enacted Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas. Bill 35-18 prohibited smoking in certain outdoor serving areas.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that prohibiting smoking in outdoor serving areas required by this Regulation is necessary to protect the health of County residents.

**Action**

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

1. The provisions of Section 24-9 of the Montgomery County Code, entitled “Smoking and using electronic cigarettes in public places.”, as amended by Bill 35-18, Health and Sanitation – Smoking – Outdoor Serving Areas, are adopted as a Board of Health regulation. A copy of Bill 35-18 is attached to this resolution.
2. This resolution takes effect on June 13, 2019.

This is a correct copy of Council action.



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Megan Davey Limarzi, Esq.  
Clerk of the Council