

Climate Assessment

Office of Legislative Oversight

Bill 3-24: Late Night Establishments – Hours of Operation

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 3-24 will have no impact on the County's contribution to addressing climate change as it is proposing restrictions on the operating hours of certain late night establishments.

BACKGROUND AND PURPOSE OF BILL 3-24

Bill 3-24 proposes to define what a hookah lounge is and set restrictions on the operating hours for hookah lounges, tobacco shops, and vape shops to mirror the hours of operation of establishments where alcohol is consumed, such as bars.

If enacted, Bill 3-24 would allow a hookah lounge, tobacco or vape shop in the County to operate only during the following hours:

- Monday through Thursday, from 9 A.M. to 2 A.M. on the following day;
- Friday and Saturday, from 9 A.M. to 3 A.M. the following day; and
- Sunday from 9 A.M. to 2 A.M. the following day; however, if the following day is a federal holiday, the hours are from 9 A.M. to 3 A.M.

Any owner that operates after the permitted hours would be subject to a Class A penalty, which is \$500 for the initial offense and \$750 for each repeated offense.

Bill 3-24 is intended to address public safety concerns, which has "increased significantly because of late night hookah establishments."¹ The bill cites increased police presence in central business districts during overnight hours and excess overtime expenditure for MCPD in its legislative findings.² The bill's legislative findings also note that other jurisdictions in Maryland, including Baltimore County and Prince George's County, have passed similar legislation restricting the operating hours for hookah lounges.³

Bill 3-24, Late Night Establishments – Hours of Operation was introduced by the County Council on February 13, 2024.⁴

ANTICIPATED IMPACTS

As the bill proposes changes to operating hours of certain late night establishments, OLO anticipates Bill 3-24 will have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁵ OLO does not offer recommendations or amendments as Bill 3-24 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Introduction Staff Report for Bill 3-24](#), Montgomery County Council, Introduced February 13, 2024.

² Introduction Staff Report for Bill 3-24

³ Introduction Staff Report for Bill 3-24

⁴ Ibid.

⁵ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022