

Bill No. 33-12
Concerning: Health and Sanitation –
Smoking – County Property
Revised: 2/12/2013 Draft No. 3
Introduced: November 27, 2012
Enacted: February 12, 2013
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Navarro, Rice, Riemer, Leventhal, Elrich, and Andrews

AN ACT to:

- (1) prohibit smoking on property owned or leased by the County; and
- (2) generally amend County law on smoking.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 24-9 is amended as follows

24-9. Smoking in public places.

(a) *Definitions.* In this Section, the following words and phrases have the meanings indicated:

* * *

Bus stop means a location that has been designated by a pole and appropriate signage as a place where passengers board or alight a bus.

Bus stop area means a rectangular area surrounding a bus stop pole which extends 25 feet along the curb on each side of the pole and 15 feet from the curb.

[(1)] *Eating and drinking establishment*[: An] means an establishment regulated under Chapter 15.

[(2)] *Enclosed*[: Separated] means separated by walls that extend from floor to ceiling and under a roof.

[(3)] *Health care facility*[: Any] means any office or institution where individual care or treatment of physical, mental, or emotional illness, or any other medical, physiological, or psychological condition is provided. Health care facility includes any hospital, clinic, nursing home for the aging or chronically ill,

20 laboratory, or office of any physician, dentist, psychologist,
 21 psychiatrist, physiologist, podiatrist, optometrist or optician.

22 **[(4)]** Person~~[: Any]~~ means any individual, firm, partnership,
 23 association, corporation, company, or organization of any kind.

24 **[(5)]** Public place~~[: An]~~ means an enclosed area in which members
 25 of the public are normally invited or permitted.

26 **[(6)]** Public meeting~~[: Any]~~ means any meeting wherever held, open
 27 to the public with no membership requirement.

28 **[(7)]** Rail transit station~~[: An]~~ means an area that:

29 **[(A)]** (1) Includes the fare-paid and roofed areas;

30 **[(B)]** (2) is a regular stopping place for the pickup and
 31 discharge of passengers in regular route service, contract
 32 service, or special or community type service; and

33 **[(C)]** (3) Is owned, operated, or controlled by the Washington
 34 Metropolitan Area Transit Authority.

35 **[(8)]** Retail store~~[: Any]~~ means any establishment whose primary
 36 purpose is to sell merchandise or food for consumption off the
 37 premises, directly to consumers.

38 **[(9)]** Smoking~~[: The]~~ means the act of lighting, smoking, or carrying
 39 a lighted or smoldering cigar, cigarette, or pipe, of any kind.

- 60 (5) In up to 40% of the sleeping rooms in a hotel or motel; ~~[[and]]~~
- 61 (6) In up to 40% of the premises of a fraternal, religious, patriotic, or
- 62 charitable organization or corporation or fire company or rescue
- 63 squad during an event that the organization or corporation holds
- 64 on its own property and which is open to the public~~[[.]]~~;
- 65 (7) In the bar and dining area of an eating and drinking establishment
- 66 that:
- 67 (A) is a club as defined in the state alcoholic beverages law:
- 68 (B) has an alcoholic beverages license issued to private clubs
- 69 under the state alcoholic beverages law; and
- 70 (C) allows consumption of alcoholic beverages on its
- 71 premises~~[[.]]~~;
- 72 (8) In any occupied residential unit owned or leased by the County
- 73 for as long as the occupant on [effective date] retains possession
- 74 of the unit;
- 75 (9) On a golf course; and
- 76 (10) In an area designated by the Director of the Department of Health
- 77 and Human Services under subsection (d).
- 78 (d) Notwithstanding paragraph (b)(11), the Director of the Department of
- 79 Health and Human services may designate an outside area on property

80 that is owned or leased by the County where smoking is allowed if the
81 Director finds that a complete prohibition on that property would
82 impede a program’s mission or effective delivery of services.

83 ~~[(d)]~~ (e) Posting signs.

84 (1) ~~[[Signs]]~~ Except as provided in paragraph (e)(4), signs
85 prohibiting or permitting smoking, as the case may be, must be
86 posted conspicuously at each entrance to a public place covered
87 by this Section.

88 * * *

89 (4) The Director of Health and Human Services may waive the
90 requirement of paragraph (e)(1) on County property, or require a
91 sign to be posted in another location, if the Director finds, after
92 consulting with the Director of General Services, that posting a
93 sign at an entrance is not feasible.

94 ~~[(e)]~~ (f) * * *

95 ~~[(f)]~~ (g) * * *

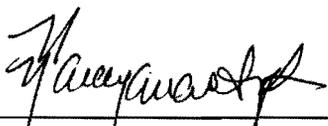
96 ~~[(g)]~~ (h) * * *

97 ~~[(h)]~~ (i) * * *

98 ~~[(i)]~~ (j) * * *

99 (j) (k) * * *

100 *Approved:*

101 

Nancy Navarro, President, County Council

Date

102 *Approved:*

103

Isiah Leggett, County Executive

Date

104 *This is a correct copy of Council action.*

105

Linda M. Lauer, Clerk of the Council

Date