§ 13-8-101. DEFINITIONS.

(a) In general. In this title the following words have the meanings indicated.

(b) Bar.

(1) (i) “Bar” means an establishment or portion of an establishment where an individual may purchase and consume alcoholic beverages.

(ii) “Bar” includes a lounge.

(2) “Bar” does not include an establishment or portion of the establishment having table and seating facilities for serving meals and where, in consideration of payment, meals are served at tables to the public.

(c) Health care facility.

(1) “Health care facility” means an office or institution providing individual care or treatment of:

(i) Physical, mental, or emotional diseases; or

(ii) Medical, physiological, or psychological conditions.

(2) “Health care facility” includes:

(i) A hospital, clinic, nursing home, a facility as defined in COMAR 10.07.14.02, or home for the aging or chronically ill; and

(ii) The office of a physician, dentist, psychologist, psychiatrist, physiologist, podiatrist,
optometrist, or optician.

(d) **Public meeting**. “Public meeting” means a meeting, wherever held, that is open to the public and having no membership restraints.

(e) **Public place**.

(1) (i) “Public place” means an enclosed, indoor area that is open to or used by the general public or serves as a place of work.

(ii) “Public place” includes a government building, retail store, office, bank, restaurant, cafeteria, hotel, motel, public conveyance, elevator, health care facility, classroom, lecture hall, concert hall, theater, movie house, museum, gallery, library, auditorium, social hall, arena, meeting room when used for a public meeting, and service line doing business with the general public.

(2) Except for a county building and a county-occupied space, “public place” does not include the private enclosed office of an individual where members of the general public are not normally present.

(f) **Smoking**. “Smoking” means:

(1) The act of smoking or carrying a lighted cigar, cigarette, pipe of any kind, or any lighted tobacco; or

(2) Lighting a cigar, cigarette, pipe of any kind, or tobacco of any kind.

(1988 Code, § 17-138) (Bill No. 121-93, 1993, § 1; Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-102. FINDINGS AND PURPOSE.

(1) The County Council finds that tobacco smoke is a hazard to the health of the general public.

(2) The purpose of this title is to protect the public health, comfort, and environment by prohibiting smoking in a public place and at a public meeting, except in designated smoking areas.

(1988 Code, § 17-137) (Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-103. SMOKING PROHIBITED IN A PUBLIC PLACE AND AT A PUBLIC MEETING.

(a) **Exceptions**. This section does not apply to:

(1) An elevator in a single-family dwelling;

(2) An entire room or hall when it is used for a private social function, including a wedding, banquet, or testimonial dinner, and where seating arrangements are under the control of the sponsor of the function and not of the owner or person in charge of the room or hall;

(3) Except as provided in subsection (c) of this section, sleeping quarters in a health care facility;

(4) Living and sleeping quarters in a hotel or motel;

(5) Smoking by an actor as part of a stage production;

(6) A beauty shop or barbershop;

(7) A bar;
(8) A restaurant;
(9) A tobacco shop; and
(10) The bay area of a fire station.

(b) *Smoking prohibited.* A person may not smoke in a public place or at a public meeting, except in a designated smoking area.

(c) *Special requirements for health care facilities.*

1. A health care facility shall make every reasonable effort to assign a patient to a room according to the patient's individual nonsmoking or smoking preference.

2. To the extent possible, on admission, a patient or guardian shall be asked the patient's preference regarding placement in a nonsmoking or smoking room.

(1988 Code, § 17-142) (Bill No. 205, 1992, § 1; Bill No. 108-93, 1993, § 1; Bill No. 121-93, 1993, § 2; Bill No. 105-00, § 2, 7-1-2004)

**§ 13-8-104. DESIGNATION OF SMOKING AREAS.**

Except for a county building and county-occupied space, the owner or person in charge of a public place may designate separate rooms or areas in which smoking is allowed, provided that:

1. Except as provided by § 13-8-103(a) of this title, a public place may not be designated as a smoking area in its entirety;

2. The rooms and areas shall be sufficient in size and capacity so as not to exclude nonsmoking individuals from the public place;

3. No portion of the spectator area of a theater, movie house, auditorium, arena, lecture hall, or concert hall may be designated as a smoking area;

4. No portion of the common indoor public space of an enclosed shopping center or mall may be designated as a smoking area;

5. An area in which smoking is prohibited by the Fire Marshal or by other law, ordinance, or regulation may not be designated as a smoking area; and

6. Where a smoking area is designated, to the extent possible, physical barriers and ventilation systems shall be used to minimize the toxic effect of smoking in adjacent nonsmoking areas.

(1988 Code, § 17-143) (Bill No. 108-93, 1993, § 1; Bill No. 121-93, 1993, § 2; Bill No. 105-00, § 2, 7-1-2004)

**§ 13-8-105. POSTING SIGNS.**

(a) *Required at entrance.*

1. At each entrance used by the public, the owner or person in charge of a public place shall display signs prohibiting smoking.
(2) For a public place where no separate smoking areas are designated within, signs posted at entrances shall read:

“Smoking or carrying lighted tobacco products prohibited by law. Violators are subject to a penalty not to exceed $50.00.”

(3) For a public place where separate smoking areas are designated within, signs posted at entrances shall read:

“Smoking or carrying lighted tobacco products prohibited by law, except in designated areas. Violators are subject to a penalty not to exceed $50.00.”

(b) Required inside. The owner or person in charge of a public place shall display conspicuous permanently affixed or movable signs prohibiting or allowing smoking within a public place as necessary to ensure compliance by the public with this title.

(1988 Code, § 17-144) (Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-106. PROVISIONS CUMULATIVE.

The provisions and requirements of this title are in addition to any provisions and requirements of any other federal, state, or county law, ordinance, rule, or regulation.

(1988 Code, § 17-139) (Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-107. INFORMING PERSONS VIOLATING THIS TITLE.

An owner or person in charge of a public place who is aware of a person who is violating this title shall inform that person of the requirements of this title.

(1988 Code, § 17-141) (Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-108. ENFORCEMENT AND PENALTIES.

(a) Penalty for smoking. A person smoking in a nonsmoking area is subject to a civil penalty not exceeding $50.

(b) Civil penalty for owners. An owner or person in charge of a public place is subject to a civil penalty not exceeding $50 for:

(1) Failing to post appropriate signs at entrances to the establishment, as required under § 13-8-105(a) of this title; and

(2) Failure to post appropriate signs internally, as required under § 13-8-105(b) of this title.

(c) Smoking in county buildings. A person smoking in a county building or county-occupied space is subject to a civil penalty not exceeding $50.

(1988 Code, § 17-140) (Bill No. 121-93, 1993, § 2; Bill No. 105-00, § 2, 7-1-2004)

§ 13-8-109. SHORT TITLE.
This title is “The Baltimore County Indoor Clean Air Act of 1987.”
(1988 Code, § 17-136) (Bill No. 105-00, § 2, 7-1-2004)