Note: Bracketed language (“[ ]”) indicates language or sections that are optional, depending on the desired restrictiveness of the Rule and Regulation.

County, Maryland
Rule and Regulation
Smoke-Free County Property

Purpose

Decades of comprehensive research has conclusively proven that tobacco products pose a significant danger not only to their users, but also to innocent bystanders. Smoking is the number one cause of preventable death in the United States, and the Surgeon General of the United States has reported that there is no safe level of exposure to secondhand smoke. Such dangers are uncontroverted.

[Furthermore, as a relatively new technology, little data is available on the safety of electronic smoking devices. The few studies available have found that these devices contain detectable levels of carcinogens and toxins, and though the specific content levels vary, the devices are designed to deliver some amount of nicotine to the user—an established addictive substance. Furthermore, these devices enjoy a particular popularity among youth, given the variety of available flavors and the lack of federal advertising and youth-access restrictions.]

In light of the established health risks of tobacco products and secondhand smoke, [and the uncertainty surrounding electronic smoking devices], the County wishes to preserve the health of residents, visitors, and employees by establishing and implementing the following Smoke-Free Rule and Regulation for all County property, buildings, grounds, and vehicles.

Scope

This Rule and Regulation shall extend to all individuals on __________ County property, including employees, vendors, and visitors.

Definitions

a) “Smoking”: The burning of a lighted cigarette, cigar, pipe, or another matter or substance that contains tobacco.

b) [“Electronic Smoking Device”: Any device that heats a liquid, gel, or other substance to produce a vapor that is intended to be inhaled by the user. Such devices include, but are not limited to, e-cigarettes, e-cigars, and e-pipes.]

c) [“Tobacco Product” : Any substance containing tobacco, including but not limited to, cigars, cigarillos, smoking tobacco, snuff, or smokeless tobacco.]

Smoking [and Use of Tobacco Products and Electronic Smoking Devices] Prohibited
Smoking [and the use of Tobacco Products and Electronic Smoking Devices] is prohibited on all property owned, leased, or operated by the County, including grounds, buildings, and vehicles.

Notice

Proper “No Smoking [or Tobacco Products or Electronic Smoking Devices]” signage shall be conspicuously posted on all property owned, leased, or operated by the County, including grounds, buildings, and vehicles.

Penalties and Enforcement

a) This Rule and Regulation shall be enforced by the Department of __________ [or any peace officer or code enforcement official].

b) Violators of this Rule and Regulation will be subject to a civil fine of not more than [$100] for the first violation and [$200] for each subsequent violation. Employees who violate this section will also be subject to disciplinary action.

c) Each incident of Smoking [or Tobacco Product use, or Electronic Smoking Device use] will be treated as a separate and distinct violation.

Effective Date

This Rule and Regulation shall be effective on ____________.

Note: The following information may be helpful in determining an appropriate civil fine:

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<th>Jurisdiction</th>
<th>Law</th>
<th>Civil Fine</th>
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| State of Maryland      | Maryland Clean Indoor Air Act of 2007                                | 1<sup>st</sup> violation: Written reprimand by the Secretary of Health and Mental Hygiene  
2<sup>nd</sup> violation: $100  
3<sup>rd</sup> violation: $500  
Subsequent violations: $1,000 each |
| Baltimore City, MD     | Smoking in Indoor Places (Health Code § 12-112)                       | Smoker: $250 max for each offense  
Employer/person in charge: $500 max for each offense |
| Charles County, MD     | Smoking in Public Places (Charles County Code §127-18)                | 1<sup>st</sup> and 2<sup>nd</sup> violation: Written warning (subsequent violation after 2<sup>nd</sup> violation treated as 1<sup>st</sup> offense)  
Subsequent violations:  
1<sup>st</sup> offense: $100  
2<sup>nd</sup> offense: $200  
3<sup>rd</sup> or subsequent offense: $300 |
| Frederick County, MD   | Smoking in Public Buildings (Frederick County Code §1-11-03-04)       | $50 max for each offense  
Any person responsible for civil smoking infraction: $25 fine |
| Harford County, MD     | Smoking and Tobacco Product Use on County Property (Rule and Regulation) | Employees: Disciplinary action  
Visitors/vendors: Told to cease violation or will be asked to leave premises |

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