

Sec. 12.602. - Prohibition.

Except as otherwise provided in this subtitle, a person shall not smoke:

- (a) In a public place;
- (b) At a public meeting;
- (c) In a shared government vehicle or in any government vehicle when occupied by more than one person; or
- (d) In a place of employment.

Sec. 12.603. - Distance from a public place or place of employment.

Smoking is prohibited within a distance of 15 feet outside public entrances and exits of an enclosed public place or place of employment where smoking is prohibited, except this does not apply in the Ellicott City Historic District or to restaurants and bars with outdoor seating areas that comply with section 12.604.

Sec. 12.604. - Exceptions to prohibition.

- (a) The prohibitions in section 12.602 do not apply to:
 - (1) A private club or lodge owned and operated by a membership association licensed under article 2B of the State Code if:
 - (i) The association's duties are performed by its members, including, but not limited to, food preparation and security; and
 - (ii) The members do not receive compensation for the performance of the association's duties;
 - (2) A sleeping room of a hotel or motel, as long as that hotel or motel maintains at least 75 percent of all of its sleeping rooms as smoke-free;
 - (3) Outdoor seating areas. Smoking may be allowed in an outdoor seating area, provided that such area shall:
 - (i) Adjoin an enclosed restaurant or bar; and
 - (ii) Has seating that constitutes no more than 40 percent of the total enclosed seating capacity of the establishment; and
 - (iii) Is not enclosed or partially enclosed; and
 - (iv) Is located in such a way to minimize the likelihood that smoke from the outdoor seating area will infiltrate enclosed areas where smoking is prohibited as provided by the provisions of this subtitle.
 - (4) Smoking as an integral part of a theatrical performance held in a facility primarily used for theatrical performances;
 - (5) A retail tobacco store provided, however, that smoke from the retail tobacco store does not infiltrate areas where smoking is prohibited under the provisions of this subtitle;
- (b) Notwithstanding any other provision of this section, an owner, operator, manager, or other person who controls an establishment subject to this section may declare the establishment as a nonsmoking establishment.

Sec. 12.605. - Notification of smoking prohibition in places of employment.

The prohibition on smoking in places of employment shall be communicated to all existing employees by the effective date of this subtitle and to all prospective employees upon their application for employment.

Sec. 12.606. - Posting signs.

- (a) An owner, operator, manager, or person in control of a building or area regulated by this subtitle shall post a sign at each entrance used by the public that shall:
 - (1) State "Smoking, Carrying Lighted Tobacco Products, or Vaping Prohibited by Law. Violators are subject to a penalty not to exceed \$250.00"; and
 - (2) Display the international "No Smoking" symbol and a "No Vaping" symbol.
- (b) Each sign shall be conspicuously displayed and have letters of not less than one inch in height.
- (c) An establishment that sells tobacco products shall clearly display signs stating that the sale of tobacco products to minors is forbidden by law.
- (d) The owner, manager, or operator of a theatre or auditorium shall post signs in the lobby stating that smoking is prohibited within the theatre or auditorium.

Sec. 12.607. - Responsibilities of owner, operator, etc.

- (a) An owner, operator, manager, or person in control of a public place or place of employment shall remove from any area where smoking is prohibited by this subtitle, all ashtrays and other smoking paraphernalia.
- (b) An owner, operator, manager, or person in control of a restaurant or bar where smoking is prohibited must refuse to serve or seat any person who smokes where smoking is prohibited and must ask the person to leave the establishment if the person continues to smoke after an initial warning.

Sec. 12.608. - Enforcement.

- (a) A person who observes a violation of this subtitle may file a complaint with the Police Department.
- (b) If, during an inspection of a building or area regulated by this subtitle, an inspector from the State Fire Marshal's Office, the Department of Fire and Rescue Services, the Health Department, or the Department of Inspections, Licenses and Permits, observes a violation of this subtitle, the inspector may issue a citation under this subtitle.

Sec. 12.610. - Penalties.

- (a) (1) If an individual smokes in violation of section 12.602 of this subtitle, a Police Officer may issue a civil citation to the individual pursuant to title 24, "Civil Penalties," of this Code.

- (2) A violation of section 12.602 of this subtitle is a Class C offense.
 - (3) Each day that a violation continues is a separate offense.
- (b)
- (1) If an owner, manager, operator, or person in control of a public place or place of employment violates section 12.605, section 12.606, or section 12.607 of this subtitle, a Police Officer may issue a civil citation pursuant to the title 24, "Civil Penalties," of this Code.
 - (2) A violation of section 12.605, section 12.606, or section 12.607 of this subtitle is a Class B offense.
 - (3) Each day that a violation continues is a separate offense.