

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 2

Bill No. 4-14

Councilmembers Marks, Quirk, Almond, & Bevins

By the County Council, January 22, 2014

A BILL
ENTITLED

AN ACT concerning

Prohibition on Smoking at Recreation and Parks Facilities

FOR the purpose of prohibiting smoking in certain outdoor areas of recreation and parks facilities;
and generally relating to smoking in public places.

BY repealing and re-enacting, with amendments

Section 13-8-103
Article 13 - Public Health, Safety and the Environment
Title 8 - Smoking in Public Places
Baltimore County Code, 2003

WHEREAS, Baltimore County is a community that supports and embraces the safety and
well-being of children, youth, and families; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

WHEREAS, the County Council supports the promotion of respiratory health among its citizens and the improvement of air quality by reducing exposures to such air contaminants as secondhand smoke; and

WHEREAS, the County Council also recognizes the freedom of its citizens and the personal choice one makes in smoking tobacco products, and does not desire to unnecessarily infringe on this freedom; and

WHEREAS, there is clear evidence that exposure to secondhand smoke can cause disease and premature death in children and adults who do not smoke, and the Surgeon General of the United States has indicated there is no risk-free level of exposure to secondhand smoke, and that even small amounts can be harmful to peoples health; and

WHEREAS, brief exposure to secondhand smoke places children at greater risk for decreased lung function, increased rates of bronchitis, and development of cancer, heart disease, and lung disease; and

WHEREAS, the County's outdoor Recreation and Parks facilities -- such as playgrounds, dog parks, and athletic fields -- exist for the very purpose of fostering good health and recreation and a sense of community, and therefore those who frequent such spaces ought not to be subjected to the exposure and dangers of unnecessary and harmful air contaminants and carcinogens such as secondhand smoke; and

WHEREAS, the Board of Recreation and Parks supports a tobacco-free policy at its recreation facilities; and

WHEREAS, the County Council recognizes the health problems associated with secondhand smoke and desires to alleviate the effects of secondhand smoke on its citizens;

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3 Article 13. Public Health, Safety and the Environment

4 § 13-8-103. Smoking Prohibited In a Public Place and at a Public Meeting.

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

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

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

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

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

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

14 (6) A beauty shop or barbershop;

15 (7) A bar;

16 (8) A restaurant;

17 (9) A tobacco shop; and

18 (10) The bay area of a fire station.

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

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

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

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

5 (D) A PERSON MAY NOT SMOKE WITHIN THE GENERAL BOUNDARY OF THE
6 OUTDOOR AREA OF THE FOLLOWING RECREATION AND PARKS FACILITIES:

7 (1) PLAYGROUNDS AND TOT LOTS;

8 (2) DOG PARKS;

9 (3) ORGANIZED GAMES OR EVENTS AT ATHLETIC FIELDS
10 SPONSORED BY THE DEPARTMENT OF RECREATION AND PARKS OR A LOCAL
11 RECREATION COUNCIL; AND

12 (4) WITHIN ~~20~~ 30 FEET OF A RECREATION AND PARKS BUILDING.

13
14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
15 from the date of its enactment.