

# Maryland

## Smoking Restrictions

### Overall Summary of Smoking Restrictions

Smoking is prohibited in indoor areas open to the public; indoor places in which meetings are open to the public; a government-owned or government-operated means of mass transportation, including buses, vans, trains, taxicabs, and limousines; or an indoor place of employment. This includes restaurants, bars, casinos/gaming establishments and private clubs.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

### Exceptions to the Law

Exceptions to the law include: 1) private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered to provide day care or child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or day care transportation; 2) 25 percent of hotel/motel rooms; 3) a retail tobacco business, in which the primary activity is the retail sale of tobacco products and accessories, and the sale of other products is incidental; 4) any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor; and 5) a research or educational laboratory for the purpose of conducting scientific research into the health effects of tobacco smoke.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

### Stronger Local Laws on Smoking

Stronger local laws/ordinances further restricting smoking are specifically allowed, see below.

Nothing in this subtitle shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to reduce involuntary exposure to environmental tobacco smoke.

MD. CODE ANN., HEALTH-GEN. § 24-510 (2008).

### Government Buildings

Smoking is prohibited in indoor places of employment defined as a place in or about which an employee is allowed to work. Employee includes any individual employed by a governmental unit. Smoking is also prohibited in a government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs and limousines.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

By Executive Order, smoking is prohibited in all state buildings and facilities, in all space leased or rented by the state, and in government operated shuttle buses. State employees are strongly encouraged to refrain from smoking in state vehicles and may not smoke when other nonsmoking passengers are present in the vehicle. State officials or employees in charge of facilities housing clients, patients, inmates, or wards of the state may prohibit or restrict smoking by residents. This order does not apply to the ground and first floor of the State House and spaces assigned to the legislative and judicial branches of government. However, these branches are called upon to establish smokefree environments in those workspaces.

Exec. Order 01.01.1992.20 (1992).

## **Private Workplaces**

Smoking is prohibited in indoor places of employment defined as a place in or about which an employee is allowed to work. An employer is defined as a person who is engaged in commerce, industry, trade, or other business in the state and employs at least one employee in that business. The Maryland Department of Labor, Licensing and Regulation is required to adopt regulations to prohibit secondhand smoke in indoor places of employment not normally open to the general public. Any facility of a manufacturer, importer, wholesaler, or distributor of tobacco products or of any tobacco leaf dealer or processor is exempt.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Schools**

The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day. Each local superintendent of schools must certify in writing to the State Superintendent of Schools that all school buildings and grounds are tobacco free. Each local school system must also post notification to students, staff, and the general public that school buildings and grounds are tobacco free.

CODE of MD REGS. (COMAR) tit. 13A §§ 02.04 et seq. (1992).

To the extent not covered above, smoking is prohibited in indoor areas open to the public and indoor places of employment, including schools and other educational facilities.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Child Care Facilities**

Smoking is prohibited in indoor areas open to the public and indoor places of employment, including child care facilities. Specifically included are home-based child care facilities that are licensed or registered as required by law, and vehicles used in day care transportation.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Health Care Facilities**

## **Restrictions Required for Retailers of Other Tobacco Products**

Every director of a nursing home, health clinic, or physician's office shall make and carry out a plan that adequately protects the health of nonsmoking patients by regulating the smoking of tobacco products on the premises. Smoking is prohibited in hospitals except for facilities for the treatment of mental disorders; a facility where the average patient stay is more than 30 days; or in an acute care hospital and the attending physician authorizes smoking, in writing, as part of the care for the patient. Smoking permitted under this section shall be in designated areas that are considered safe and provide nonsmoking patients, family members and employees protection from tobacco smoke. Smoking may not be permitted where nonsmoking patients sleep.

MD. CODE ANN., HEALTH-GEN. § 24-205 (2008).

Notwithstanding the above, smoking is prohibited in indoor areas open to the public and indoor places of employment, including health care facilities. Vehicles used for health care transportation are specifically included.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Restaurants**

Smoking is prohibited in restaurants.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Bars**

Smoking is prohibited in bars/taverns.

MD. CODE ANN., HEALTH-GEN. §§ 24-501 to 24-511 (2008) & MD. CODE ANN., LAB. & EMPLOY. §§ 5-101 & 5-608 (2008).

## **Other State Smoking Restrictions and Provisions**

Smoking Prohibited in Certain Outdoor Areas:

On or before June 30, 2016, the Maryland-National Capital Park and Planning Commission shall adopt regulations to prohibit the smoking of most tobacco products on property under its jurisdiction. Designated venues or facilities determined to be appropriate for the purpose of generating admission, rental or other charges for use may be exempted. A first infraction is subject a warning and a second or subsequent infraction a \$25 fine.

MD. CODE ANN., LAND USE § 17-207 (2015).

## **Penalties/Enforcement**

Signs that state 'Smoking Permitted in This Room' shall be prominently posted and properly maintained by the owner, operator, manager, or other person having control of the area where smoking is allowed. Violation of the above law or regulation issued to enforce the law is subject to a written reprimand by the Secretary of the Department of Health and Mental Hygiene for a first violation, a civil penalty of \$100 for a second violation and a civil penalty of not less than \$250 for a subsequent violation. The secretary may waive a penalty giving consideration to the seriousness of the violation and any demonstrated good faith measures to comply. It is an affirmative defense to a complaint brought against a person if the person or an employee of the person: posted a 'No Smoking' sign as required; removed all ashtrays and other smoking