

Bill No. 35-18
Concerning: Health and Sanitation –
Smoking – Outdoor Serving Areas
Revised: 3/1/2019 Draft No. 3
Introduced: October 2, 2018
Enacted: March 5, 2019
Executive: March 14, 2019
Effective: June 13, 2019
Sunset Date: None
Ch. 4, Laws of Mont. Co. 2019

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz
Co-Sponsors: Council President Riemer and Councilmembers Elrich, Rice, and Albornoz

AN ACT to:

- (1) prohibit smoking in certain outdoor serving areas; and
- (2) generally amend County law on smoking.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 24-9 is amended as follows**

2 **24-9. Smoking and using electronic cigarettes in public places.**

3 (a) *Definitions.* In this Section, the following words and phrases have the
4 meanings indicated:

5 * * *

6 *Eating and drinking establishment* means an establishment regulated
7 under Chapter 15.

8 * * *

9 *Outdoor serving area* means a patio, deck, porch, or other outdoor
10 seating or serving area, whether partially enclosed or open to the sky,
11 that is permitted for outdoor eating or drinking under the control of an
12 eating and drinking establishment.

13 * * *

14 (b) *Smoking and vaping are prohibited in certain public places.* A person
15 must not smoke or use any electronic cigarette in or on any: *

16 * *

- 17 (10) enclosed auditorium, concert or lecture hall; [or]
- 18 (11) property that is owned or leased by the County, including a bus
19 shelter or bus stop area, but excluding any other part of a County
20 right-of-way[.]; or
- 21 (12) outdoor serving area, except [[while actively passing on the way
22 to another destination]] as provided in paragraph (c)(9) or (e).

23 * * *

24 (c) *Exceptions.* Smoking or vaping is not prohibited by this Section:

25 * * *

- 26 (9) On a golf course or in an outdoor seating area associated with a
27 golf course if employees of an eating and drinking establishment
28 do not serve food or drink in the outdoor seating area; and

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(e) Outdoor serving areas.

(1) An eating and drinking establishment may designate a portion of an outdoor serving area that is on a rooftop or balcony where smoking or vaping is allowed.

(2) This paragraph does not apply in a municipality that prohibits smoking or vaping in an outdoor serving area.

(f) Posting signs.

* * *

[[f]] (g) Duty to prevent smoking in certain areas.

* * *

[[g]] (h) Optional smoking restrictions.

* * *

[[h]] (i) Limitations.

* * *

[[i]] (j) Other laws still apply.

* * *

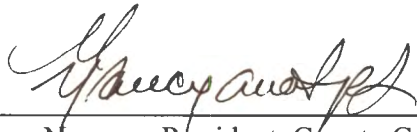
[[j]] (k) Regulations.

* * *

[[k]] (l) Enforcement and penalties.

* * *

Approved:



3/6/19

Nancy Navarro, President, County Council

Date

Approved:

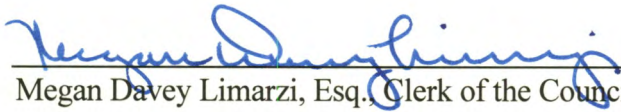


3/14/19

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



March 14, 2019

Megan Davey Limarzi, Esq., Clerk of the Council

Date