

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-20-2017

Chapter No. 26

Proposed and Presented by Council Members Harrison and Turner

Introduced by Council Members Harrison and Turner

Co-Sponsors _____

Date of Introduction May 2, 2017

BILL

1 AN ACT concerning

2 Exceptions to Smoking Ban in Eating and Drinking Establishments

3 For the purpose of creating exceptions to the smoking ban in eating or drinking establishments

4 BY repealing and reenacting with amendments:

5 SUBTITLE 19. POLLUTION.

6 Sections 19-131 and 19-132

7 The Prince George's County Code

8 (2015 Edition; 2016 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Sections 19-131 and 19-132 of the Prince George's County Code be and the same
11 are hereby repealed and reenacted with the following amendments:

12 **SUBTITLE 19. POLLUTION.**

13 **DIVISION 3. SMOKING IN EATING AND DRINKING ESTABLISHMENTS.**

14 **Sec. 19-131. Smoking prohibited.**

15 * * * * *

16 (b) Smoking is not prohibited by this Section in the bar and dining area of an eating or
17 drinking establishment that:

18 (1) (A) Is a club as defined in the State alcoholic beverages law and has a valid use
19 and occupancy permit issued by the Department of Permitting Inspection and Enforcement;

20 (B) Has an alcoholic beverages license issued to private clubs under the State
21 alcoholic beverages law; and

(C) Allows consumption of alcoholic beverages on its premises;

* * * * *

(d) Smoking is not prohibited by this Section in a retail tobacco business as defined by Section 27-107.01(a)(202.1) of the County Code, where a food and beverage area are incidental, provided that it complies with the standard for ventilation of such a facility as defined under Subtitle 4 of the County Code.

Sec. 19-132. Posting signs.

(a) Signs either allowing or prohibiting smoking shall be displayed conspicuously by the owner or person having control of the eating or drinking establishment at each entrance to the premises. If prohibited by this section, the [The] appropriate signs shall contain symbols or language that smoking is prohibited and that violators are subject to a Two Hundred Dollar (\$200.00) fine.

* * * * *

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 20th day of June, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.