

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-20-2017

Draft No.: 2

Committee: HEALTH, EDUCATION AND HUMAN SERVICES

Date: 4/18/2017

Action: FAV(A)

REPORT:

Committee Vote: Favorable with Amendments, 4-0 (In favor: Council Members Toles, Taveras, Harrison and Turner. Absent: Franklin).

Staff gave an overview of the purpose of the legislation. CB-20-2017 seeks to amend the County's smoking ban by allowing smoking within a tobacco bar, tobacco lounge, cigar bar, or cigar lounge, as defined within the proposed legislation. The tobacco bar, tobacco lounge, cigar bar, or cigar lounge shall comply with the County's standard for ventilation as established by the Department of Permitting, Inspections and Enforcement (DPIE) and must display signs either allowing or prohibiting smoking on the premises at each entrance.

The initial draft which contained definitions of Cigar Bar, Cigar Lounge, Tobacco Bar, and Tobacco Lounge were revised to one definition of Retail Tobacco Business because those previous definitions did not adequately reflect the purpose of the legislation and the need to comply with the State Clean Indoor Air Act.

The sponsor expressed the need for the legislation to be more competitive with neighboring jurisdictions indicating that these types of establishments' exist outside of the County. CB-20-2017 will allow smoking in certain establishments by exception to Section 19-131 of the County Code. CB-15-2017 is the zoning companion piece allowing for a Special Exception for the use.

CB-20-2017 was amended in Committee as follows:

- 1) At the end of Section 19-131(b)(1)(A), was added "and has a valid use and occupancy permit issued by the Department of Permitting Inspection and Enforcement." This was to satisfy the DPIE representative concerns.
- 2) Moved language from Section 19-131(b)(1)(D) to Section 19-131(d) and replaced it with the following language:

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.

The Co-sponsor indicated that there is an exception to state law which allows smoking in certain establishments that allows food and beverages that is incidental to the establishment (49% of the square footage must be designated to the original purpose). A Health Department food facility permit will still be required and if any alcoholic beverages are served establishments will still have to comply with alcoholic beverage laws.

The Health Department representative indicated that CB-20-2017 complies with the “Clean Indoor Act.” Audits and Investigations found no adverse financial impact on the County.

The Committee voted favorable 4-0 with amendments.