

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 23-0418

Introduced by: Councilmembers Burnett, Porter, Dorsey, Middleton, Ramos, Bullock, Cohen,
Torrence

Introduced and read first time: August 21, 2023

Assigned to: Health, Environment, and Technology Committee

Committee Report: Favorable

Council action: Adopted

Read second time: January 29, 2024

AN ORDINANCE CONCERNING

1 **Tobacco Products – Tobacco Product Use in Stadiums – Prohibition**

2 FOR the purpose of prohibiting the use of tobacco products in stadiums; defining certain terms;
3 establishing certain penalties; and providing for a special effective date.

4 BY adding

5 Article - Health

6 Sections 12-1001 to 12-1004, to be under the new subtitle designation

7 “Subtitle 10. Tobacco Product Use in Stadiums”

8 Baltimore City Revised Code

9 (Edition 2000)

10 BY repealing and re-ordaining, with amendments

11 Article 1 - Mayor, City Council, and Municipal Agencies

12 Sections 40-14(e)(7) and 41-14(6)

13 Baltimore City Code

14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
16 Laws of Baltimore City read as follows:

17 **Baltimore City Revised Code**

18 **Article – Health**

19 **SUBTITLE 10. TOBACCO PRODUCT USE IN STADIUMS**

20 **§ 12-1001. DEFINITIONS.**

21 (A) *IN GENERAL.*

22 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

~~Strike out~~ indicates matter stricken from the bill by

amendment or deleted from existing law by amendment.

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1 (B) *ELECTRONIC SMOKING DEVICE.*

2 "ELECTRONIC SMOKING DEVICE" HAS THE MEANING STATED IN § 12-101 {"DEFINITIONS"}
3 OF THIS TITLE.

4 (C) *PROFESSIONAL SPORTING EVENT.*

5 (1) *IN GENERAL.*

6 "PROFESSIONAL SPORTING EVENT" MEANS ANY SPORTING OR ATHLETIC EVENT FOR
7 WHICH THE COMPETING ATHLETES RECEIVE MONETARY PAYMENT FOR PARTICIPATION.

8 (2) *INCLUSIONS.*

9 "PROFESSIONAL SPORTING EVENT" INCLUDES:

10 (I) A COLLEGIATE SPORTING OR ATHLETIC EVENT;

11 (II) AN OLYMPIC OR INTERNATIONAL SPORTING OR ATHLETIC EVENT; OR

12 (III) A MOTOR RACE EVENT.

13 (3) *EXCLUSIONS.*

14 "PROFESSIONAL SPORTING EVENT" EXCLUDES:

15 (I) A HIGH SCHOOL SPORTING OR ATHLETIC EVENT; AND

16 (II) AN AMATEUR SPORTING OR ATHLETIC EVENT FOR WHICH THE COMPETING
17 ATHLETES DO NOT RECEIVE MONETARY PAYMENT FOR PARTICIPATION.

18 (D) *TOBACCO PRODUCT.*

19 (1) *IN GENERAL.*

20 "TOBACCO PRODUCT" MEANS A PRODUCT THAT IS:

21 (I) INTENDED FOR HUMAN CONSUMPTION OR LIKELY TO BE CONSUMED, WHETHER
22 INHALED, CHEWED, ABSORBED, DISSOLVED, SMOKED, OR INGESTED IN ANY
23 OTHER MANNER, AND THAT IS MADE OR DERIVED FROM, OR THAT CONTAINS:

24 (A) TOBACCO; OR

25 (B) NICOTINE; OR

26 (II) AN ACCESSORY OR A COMPONENT USED IN ANY MANNER OF CONSUMPTION
27 DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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1 (2) *INCLUSIONS.*

2 “TOBACCO PRODUCT” INCLUDES:

3 (I) CIGARETTES;

4 (II) CIGARS;

5 (III) PIPE TOBACCO;

6 (IV) CHEWING TOBACCO;

7 (V) SNUFF;

8 (VI) SNUS;

9 (VII) ELECTRONIC SMOKING DEVICES;

10 (VIII) FILTERS;

11 (IX) ROLLING PAPERS;

12 (X) PIPES; AND

13 (XI) LIQUIDS USED IN ELECTRONIC SMOKING DEVICES, REGARDLESS OF NICOTINE
14 CONTENT.

15 (3) *EXCLUSIONS.*

16 “TOBACCO PRODUCT” DOES NOT INCLUDE DRUGS, DEVICES, OR COMBINATION
17 PRODUCTS APPROVED FOR SALE BY THE UNITED STATES FOOD AND DRUG
18 ADMINISTRATION, AS DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

19 (D) *STADIUM.*

20 (1) *IN GENERAL.*

21 “STADIUM” MEANS A STRUCTURE WITH TIERS OF SEATS RISING AROUND A FIELD OR
22 COURT, OR ANOTHER AREA WHERE SPORTING EVENTS OCCUR, INTENDED TO BE USED:

23 (I) PRIMARILY FOR THE VIEWING OF ATHLETIC EVENTS; AND

24 (II) SECONDARILY, FOR ENTERTAINMENT AND OTHER PUBLIC GATHERING
25 PURPOSES.

26 (2) *INCLUSIONS.*

27 “STADIUM” INCLUDES:

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1 (I) ANY “ATHLETIC FACILITY”, AS DEFINED IN § 12-801 {“DEFINITIONS”} OF THIS
2 TITLE; AND

3 (II) ANY SWIMMING POOL OR OTHER BODY OF WATER THAT IS USED:

4 (A) TO TRAIN OR PRACTICE FOR COMPETITIVE SWIMMING OR DIVING; OR

5 (B) FOR SPORTING EVENTS.

6 **§ 12-1002. USE PROHIBITION - STADIUMS.**

7 USE OF A TOBACCO PRODUCT IN ANY MANNER IS PROHIBITED IN ANY STADIUM.

8 **§ 12-1003. ENFORCEMENT BY CITATION.**

9 (A) *IN GENERAL.*

10 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
11 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

12 (1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1,
13 SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}; OR

14 (2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL
15 CITATIONS”}.

16 (B) *PROCESS NOT EXCLUSIVE.*

17 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
18 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

19 **§ 12-1004. CIVIL PENALTIES: \$500.**

20 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF
21 NOT MORE THAN \$500 FOR EACH VIOLATION.

22 **Article 1. Mayor, City Council, and Municipal Agencies**

23 **Subtitle 40. Environmental Control Board**

24 **§ 40-14. Violations to which this subtitle applies.**

25 (e) *Provisions and penalties enumerated.*

26 (7) *Health Code*

27 . . .

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1	Title 12: Tobacco Products and Smoking Devices	
2	...	
3	Subtitle 9: Nicotine Replacement Therapy Products	\$100
4	SUBTITLE 10: TOBACCO PRODUCT USE IN STADIUMS	
5	NON-PROFESSIONAL SPORTING EVENT	\$50
6	PROFESSIONAL SPORTING EVENT	\$500

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(6) *Health Code*

10	...	
11	Title 12: Tobacco Products and Smoking Devices	
12	...	
13	Subtitle 9: Nicotine Replacement Therapy Products	\$100
14	SUBTITLE 10: TOBACCO PRODUCT USE IN STADIUMS	
15	NON-PROFESSIONAL SPORTING EVENT	\$50
16	PROFESSIONAL SPORTING EVENT	\$500

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
18 enacted.

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Certified as duly passed this 12 day of February, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 12 day of February, 2024



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City