

**CITY OF BALTIMORE
COUNCIL BILL 18-0178
(First Reader)**

Introduced by: President Young, Councilmember Stokes
Introduced and read first time: January 22, 2018
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Health Department, Baltimore Development Corporation, Department of Finance, Fire Department, Police Department, Board of Liquor License Commissioners

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Indoor Smoking – Hookah Lounges**

3 FOR the purpose of excepting hookah lounges from the City’s indoor-smoking restrictions,
4 subject to certain conditions; repealing two obsolete exceptions that have been preempted by
5 more stringent State law and, as such, are invalid; and generally relating to the operation of
6 hookah lounges.

7 BY repealing and reordaining, with amendments

8 Article - Health

9 Section 12-107

10 Baltimore City Revised Code

11 (Edition 2000)

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

14 style="text-align:center">**Baltimore City Revised Code**

15 style="text-align:center">**Article – Health**

16 style="text-align:center">**Title 12. Tobacco Products and Smoking Devices**

17 style="text-align:center">***Subtitle 1. Indoor Smoking***

18 **§ 12-107. Exceptions – [Private clubs, smoking bars, tobacconists] RETAIL TOBACCO**
19 **ESTABLISHMENTS; HOOKAH LOUNGES.**

20 (a) *In general.*

21 This subtitle does not apply to [a private club or lodge, a smoking bar, or] a retail tobacco
22 establishment OR A HOOKAH LOUNGE that qualifies [for an exemption] under this section.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 [(b) *Qualifications.*]

2 [(1) A private club or lodge qualifies under this section only if it:

- 3 (i) has a limited membership elected pursuant to its charter or bylaws;
- 4 (ii) excludes the general public from its premises or place of meeting;
- 5 (iii) is organized with officers and directors;
- 6 (iv) holds all property for the common benefit of its members; and
- 7 (v) does not permit nonmembers to pay a temporary fee to use its premises or attend
- 8 its meetings.]

9 [(2) A smoking bar qualifies under this section only if it:

- 10 (i) is licensed under State Code Article 2B to serve alcoholic beverages;
- 11 (ii) derives at least 50% of its revenues, measured by average daily receipts, from the
- 12 sale of non-cigarette tobacco products;
- 13 (iii) has a ventilation system that prevents smoke from infiltrating into any area where
- 14 smoking is prohibited under this subtitle; and
- 15 (iv) prohibits the entry of minors at all times.]

16 (B) *RETAIL TOBACCO ESTABLISHMENTS.*

17 [(3)] A retail tobacco establishment qualifies under this section only if it:

- 18 (1) [(i)] derives at least 75% of its revenues, measured by average daily receipts, from
- 19 the sale of non-cigarette tobacco products;
- 20 (2) [(ii)] has a ventilation system that prevents smoke from infiltrating into any area
- 21 where smoking is prohibited under this subtitle; and
- 22 (3) [(iii)] prohibits the entry of minors at all times.

23 (C) *HOOCAH LOUNGES.*

24 (1) *“HOOCAH LOUNGE” DEFINED.*

25 IN THIS SUBSECTION, “HOOCAH LOUNGE” MEANS AN ESTABLISHMENT THAT IS
26 PRIMARILY DEVOTED TO THE ON-PREMISES USE OF 1 OR MORE HOOKAHS (ALSO KNOWN
27 AS A HOOKAH PIPE, WATER PIPE, SHISHA, OR NARGHILE) FOR SMOKING TOBACCO OR
28 OTHER SUBSTANCES.

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1 (2) *QUALIFICATIONS.*

2 A HOOKAH LOUNGE QUALIFIES UNDER THIS SECTION ONLY IF IT:

3 (I) DERIVES AT LEAST 75% OF ITS REVENUES, MEASURED BY AVERAGE DAILY
4 RECEIPTS, FROM THE SALE OR USE OF NON-CIGARETTE SMOKING PRODUCTS
5 AND ACCESSORIES;

6 (II) HAS A VENTILATION SYSTEM THAT PREVENTS SMOKE FROM INFILTRATING
7 INTO ANY AREA WHERE SMOKING IS PROHIBITED UNDER THIS SUBTITLE; AND

8 (III) PROHIBITS THE PRESENCE OF MINORS AT ALL TIMES.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
10 are not law and may not be considered to have been enacted as a part of this or any prior
11 Ordinance.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
13 after the date it is enacted.