

**CITY OF BALTIMORE
COUNCIL BILL 18-0312
(First Reader)**

Introduced by: Councilmembers Bullock, Scott, Burnett, Henry, Pinkett, Cohen, Clarke, Sneed
Introduced and read first time: December 6, 2018

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental
Control Board, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Required Retail Tobacco Health Warnings and Smoking Cessation Information**

3 FOR the purpose of requiring the Health Commissioner to create and distribute to retailers of
4 tobacco products signs that contain certain tobacco health warnings and smoking cessation
5 information; requiring retailers of tobacco products to prominently place the signs distributed
6 by the Health Commissioner in their places of business; providing for a special effective date;
7 and imposing certain civil penalties for violations.

8 BY adding

9 Article - Health
10 Section(s) 12-901 through 12-902, inclusive, to be under the new subtitle designation
11 "Subtitle 9. Retail Tobacco Health Warnings and Smoking Cessation Information"
12 Baltimore City Revised Code
13 (Edition 2000)

14 BY repealing and re-ordaining, with amendments

15 Article 1 - Mayor, City Council, and Municipal Agencies
16 Section(s) 40-14(e)(7)(Title 12) and 41-14(6)(Title 12)
17 Baltimore City Code
18 (Edition 2000)

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

21 **Baltimore City Revised Code**

22 **Article – Health**

23 **Title 12. Tobacco Products**

24 **SUBTITLE 9. RETAIL TOBACCO HEALTH WARNINGS AND SMOKING CESSATION**
25 **INFORMATION**

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

Council Bill 18-0312

§ 12-901. SIGNAGE REQUIRED.

(A) *COMMISSIONER TO CREATE AND DISTRIBUTE SIGNS.*

THE COMMISSIONER IS RESPONSIBLE FOR CREATING AND DISTRIBUTING TO CITY
RETAILERS OF TOBACCO PRODUCTS SIGNS THAT:

(1) INCLUDE INFORMATION ABOUT THE ADVERSE HEALTH EFFECTS OF TOBACCO USE
AND HOW TO GET HELP TO QUIT; AND

(2) ARE A MINIMUM OF 324 SQUARE INCHES AND NO MORE THAN 1296 SQUARE INCHES.

(B) *POSTING OF SIGNS.*

A RETAILER OF TOBACCO PRODUCTS IN BALTIMORE CITY MUST PROMINENTLY DISPLAY
THE SIGN REQUIRED BY THIS SUBTITLE:

(1) AT THE FRONT OF THE STORE SO THAT THE SIGN CAN BE READ EASILY BY EACH
CONSUMER ENTERING THE STORE; AND

(2) SO THAT THE BOTTOM OF THE SIGN IS NO LESS THAN 4 FEET FROM THE FLOOR AND
THE TOP OF THE SIGN IS NO MORE THAN 7 FEET FROM THE FLOOR.

§ 12-902. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

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

(1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY THE CITY CODE ARTICLE 1,
SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION AS AUTHORIZED BY THE CITY CODE ARTICLE 1, SUBTITLE 41
{"CIVIL CITATIONS"}.

(B) *PROCESS NOT EXCLUSIVE.*

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

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

Council Bill 18-0312

1 (7) *Health Code*

2 Title 12: Tobacco Products and Smoking Devices
3 . . .

4 SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS \$500

5 **Subtitle 41. Civil Citations**

6 **§ 41-14. Offenses to which subtitle applies – Listing.**

7 (6) *Health Code*

8 Title 12: Tobacco Products and Smoking Devices
9 . . .

10 SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS \$500

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

14 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 180th
15 day after the date it is enacted.